



Agenda

Special Council Meeting

Tuesday, 31 October 2023



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NOTICE OF MEETING

Notice is hereby given that the

Shire of Ravensthorpe
Special Meeting of Council

will be held on
Tuesday, 31 October 2023
commencing at 5.00pm

Council Chambers,
Ravensthorpe Cultural Precinct
Ravensthorpe

Matthew Bird
Chief Executive Officer

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

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In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Ravensthorpe during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Ravensthorpe. The Shire of Ravensthorpe warns that anyone who has an application lodged with the Shire of Ravensthorpe must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Ravensthorpe in respect of the application.

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DISCLOSURE OF INTEREST FORM
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70, 5.71 & 5.71(B))

To: Chief Executive Officer

Name _____

Elected Member Committee Member Employee Contractor

- Ordinary Council Meeting held on _____
- Special Council Meeting held on _____
- Committee Meeting held on _____
- Other _____

Report No _____

Report Title _____

Type of Interest (*see overleaf for further information)

Proximity Financial Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Signed: _____ Date: _____

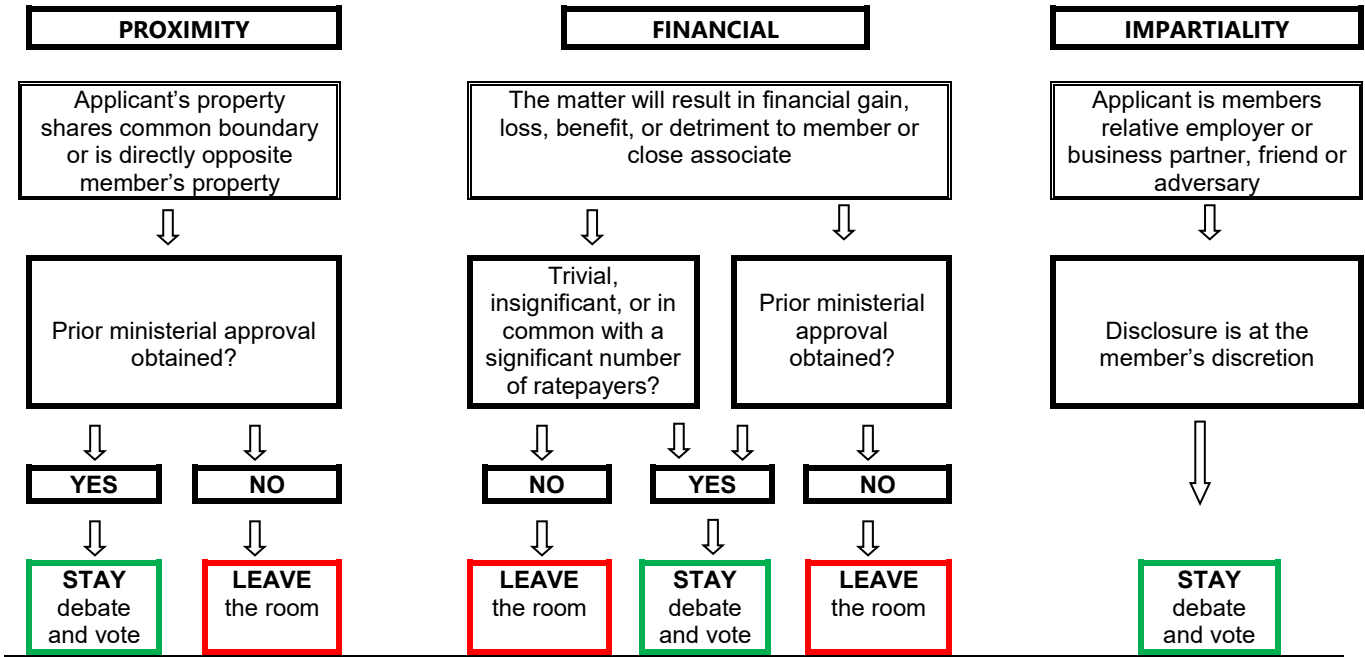
- **Note 1 - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.**
- **Note 2: For Ordinary meetings of the Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.**
- **Note 3: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.**

CEO: _____ Signed: _____ Date: _____

OFFICE USE ONLY

Particulars recorded in Minutes Particulars recorded in Register

* Declaring an Interest



Local Government Act 1995 – Extract

s.5.60A - Financial Interest

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.

s.5.60B – Proximity Interest

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; or
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be 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. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
 - (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

5.71A. - CEOs to disclose interests relating to gifts in connection with advice or reports

- (1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.
- (2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).
- (3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

Local Government (Administration) Regulations 1996 – Extract - In this clause and in accordance with Regulation 19AA "Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an association.

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AGENDA

Mission Statement *To grow our community through the provision of leadership, services and infrastructure.*

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

Welcome & Introduction by the Chief Executive Officer.

The CEO acknowledges the Traditional Owners of the land on which we meet, and pays respect to Elders past, present, and emerging.

The Chief Executive Officer to invite newly Elected Members of the Council to individually take the Declaration of office in accordance with Section 2.29 of the *Local Government Act 1995*.

2. SWEARING IN OF NEWLY ELECTED COUNCILLORS

The Chief Executive Officer to officiate subscription of Declaration of Office for the elected Councillors.

s.2.29 of the *Local Government Act 1995* requires the newly Elected Councillor to make a declaration prior to performing the duties of a Council Member.

"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."*

Honorary Freeman of the Shire Mr. Keith Rowe JP to perform swearing in.

CEO to invite each new Councillor in turn.

3. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Elected Members:

Cr Rachel Livingston

Cr Thomas Major

Cr Graham Richardson

Councillors Elect Members:

Cr elect Rachel Gibson

Cr elect Mark Mudie

Cr elect Sue Leighton

Cr elect Robert Miloskeski

Staff:

Matthew Bird (Chief Executive Officer)

Paul Spencer (Executive Manager Infrastructure Services)

Natalie Bell (Executive Manager Projects & Regulatory Services)

Mackenzie Edwards (Acting Manager Corporate Services)

MEMBERS OF THE PUBLIC

Special Guest – Honorary Freeman of the Shire Mr Keith Rowe

APOLOGIES

Meredith Lee-Curtis (Executive Assistant)

Les Mainwaring (Executive Manager Corporate Services)

LEAVE OF ABSENCE

Nil

4. PUBLIC QUESTIONS TIME

In accordance with section 5.24 of the *Local Government Act 1995*, a 15-minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the Shire President's discretion, the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the Shire President, the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

5. DECLARATIONS OF INTEREST

Nil.

6. ELECTION OF PRESIDENT

CEO to preside

The CEO is to preside at the meeting until the office of President is filled.

How the Shire President is elected

- 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.
- Subject to clause 5(1), the votes cast under subclause (5) 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.

Votes may be cast a second time

- If, when the votes cast under clause 4(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for **not more than 7 days**.
- Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

In accordance with the *Local Government Act 1995* [section 2.28(2) refers], the term of appointment for the Mayor ends when the Mayor is next elected at or after the local government's next ordinary elections in (2) years' time.

Statutory Implications

Section 2 of Schedule 2.3 of the *Local Government Act* provides that, in relation to the Office of President:

- (1) The office is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day.

Section 3 provides that the CEO is to preside at the meeting until the Office is filled.

Section 4 provides:

- (1) the Council is to elect a councillor to fill the office.
- (2) the election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) 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.
- (3a) 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.
- (4) 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.
- (5) the councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

In relation to the role of the President Section 2.8 provides that:

- (1) The president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.

Section 5.34 provides that if —

- (a) the office of President is vacant; or
- (b) the President is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy President may perform the functions of president.

Regulation 13 of the *Local Government (Constitution) Regulations* (Oaths, affirmations and declarations) provides that:

- (1) For the purposes of sections 2.29 and 2.42 —
 - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;
 - (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
 - (a) the immediate predecessor of the person in the office of mayor or president; or
 - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —

“authorised person” means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

7. ELECTION OF DEPUTY PRESIDENT

How the deputy president is elected

- The council is to elect a councillor (other than the mayor or president) to fill the office.
- The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- **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 person conducting the election, which is to be a sufficient time after the announcement by that person 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 person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

Votes may be cast a second time

- If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, **not more than 7 days later**, a special meeting of the council is to be held.
- Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- When the special meeting is held, the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

NOTE: In the advent that the current Deputy President nominates for the Shire President position and is unsuccessful they automatically retain the Deputy Shire President position. (Deputy does not need to resign to contest the President position.)

8. ELECTION OF DELEGATES FOR COMMITTEES

8.1 COMMITTEE DELEGATES

File Reference:	GR.ME.8
Location:	Shire of Ravensthorpe
Applicant:	N/A
Author:	Chief Executive Officer
Authorising Officer	Chief Executive Officer
Date:	18 October 2023
Disclosure of Interest:	Nil
Attachments: <u>PINK</u>	1. List of Committees
Previous Reference:	N/A

PURPOSE

1. Council appoints delegates to local community groups and organisations every two (2) years during election year.
2. This report recommends continuation of this practice.

BACKGROUND

3. Nil.

COMMENT

4. Current Appointments are as per the attached Committee List.
5. Each councillor is entitled to sit or represent Council on at least one committee.
6. Council is required to determine delegates and formally adopt the appointments with a Council resolution.

CONSULTATION

7. Not Applicable

STATUTORY ENVIRONMENT

8. *Local Government Act 1995*

POLICY IMPLICATIONS

9. Nil

FINANCIAL IMPLICATIONS

10. Nil.

RISK MANAGEMENT

11. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
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Performance (operational)	Possible	Minor	Low	Improved communication through delegates representing Council at community meetings.
Reputational	Likely	Moderate	Medium	Look at ways to advance continual improvement. Promote community engagement through public involvement. Listen to community concerns.

ALTERNATE OPTIONS

12. Nil

STRATEGIC ALIGNMENT

13. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2020-2024.

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy

Item	Objectives and Strategies
1.2	The right resources and infrastructure are in place to support local commerce and industry

Outcome 2: Community - This is a safe and family-friendly community where people of all ages have access to services and facilities, and there is plenty to blow your socks off

Item	Objectives and Strategies
2.2	Community groups function well with strong volunteer effort and feel supported by the community
2.3	People feel that their community is safe for all, free of nuisance and protected from risk of damage

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.1	The Shire's community is engaged and involved
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future

VOTING REQUIREMENTS

14. Simple Majority

OFFICER RECOMMENDATION

That Council:

ADOPT the new schedule for delegates to Committees, Community Groups and Organisations as listed.

Moved: _____ Seconded: _____

Carried: __/__

<i>Council Delegates appointed</i>	<i>To the following Council Committees</i>
<u>Committee name</u>	<u>October 23 Councillor rep</u>
Audit Committee	Full Council
Bushfire Advisory Committee	Member -
	Deputy -
CEO Performance Review	Member - President
	Member - Deputy President
	Member -
<i>Council Delegates appointed</i>	<i>To the following external Committees</i>
<u>Committee name</u>	<u>October 23 Councillor rep</u>
Great Southern Road Group	Delegate -
	Proxy -
Local Emergency Management Committee	Delegate - President
	Proxy - Deputy President
Development Assessment Panel	Delegate -
	Delegate -
	Proxy -
	Proxy -
Hopetoun Progress Association	Delegate -
	Proxy -
Munglinup Community Group	Delegate -
	Proxy -
Hopetoun Community Resource Centre	Delegate -
	Proxy -
Ravensthorpe Community Resource Centre	Delegate -
	Proxy -
Fitzgerald River National Park Advisory Group	Delegate -
	Proxy -
Ravensthorpe Agricultural Initiative Network	Delegate -
	Proxy -
Fitzgerald Biosphere Community Collaborative	Delegate -
	Proxy -
Hopetoun District Recreation Association	Delegate -
	Proxy -
Ravensthorpe Historical Society	Delegate -
	Proxy -
Ravensthorpe Town Team (new)	Delegate -
(new)	Proxy -
Hopetoun Town Team (new)	Delegate -
(new)	Proxy -

GEDC Regional Coordination Group (new)	Delegate -
(new)	Proxy -

9. MATTERS BEHIND CLOSED DOORS

Nil.

10. MEETING CLOSURE

The Presiding Member to declare the meeting closed.

ATTACHMENT

Attachment 1 - Councillor Nominations to Committees of Council and External Committees

Council Delegates appointed to the following council committees:

<u>Committee name</u>	<u>Current Councillor rep</u>	<u>October 23 Councillor rep</u>
Audit Committee	Full Council	Full Council
Bushfire Advisory Committee	Member - Cr Major Deputy - Cr Mudie	Member - Deputy -
CEO Performance Review	Member - President Member - Deputy President Member - Cr Mudie	Member - President Member - Deputy President Member -

Council Delegates appointed to the following external committees:

<u>Committee name</u>	<u>Current Councillor rep</u>	<u>October 23 Councillor rep</u>
Great Southern Road Group	Delegate - Cr Mudie Proxy - Cr Major	Delegate - Proxy -
Local Emergency Management Committee	Delegate - President Proxy - Deputy President	Delegate - President Proxy - Deputy President
Development Assessment Panel	Delegate - Cr Leighton Delegate - Cr Mudie Proxy - Cr Richardson Proxy - Cr Major	Delegate - Delegate - Proxy - Proxy -
Hopetoun Progress Association	Delegate - Cr Richardson Proxy - Cr Dunlop	Delegate - Proxy -
Munglinup Community Group	Delegate - Cr Leighton Proxy - Cr Major	Delegate - Proxy -
Hopetoun Community Resource Centre	Delegate - Cr Leighton Proxy - Cr Richardson	Delegate - Proxy -
Ravensthorpe Community Resource Centre	Delegate - Cr Livingston	Delegate -

	Proxy - Cr Bell	Proxy -
Fitzgerald River National Park Advisory Group	Delegate - Cr Richardson Proxy - Cr Mudie	Delegate - Proxy -
Ravensthorpe Agricultural Initiative Network	Delegate - Cr Major Proxy - Cr Mudie	Delegate - Proxy -
Fitzgerald Biosphere Community Collaborative	Delegate - Cr Leighton Proxy - Cr Mudie	Delegate - Proxy -
Hopetoun District Recreation Association	Delegate - Cr Dunlop Proxy - Goldfinch	Delegate - Proxy -
Ravensthorpe Historical Society	Delegate - Cr Bell Proxy - Goldfinch	Delegate - Proxy -
Ravensthorpe Town Team	<i>new</i> <i>new</i>	Delegate - Proxy -
Hopetoun Town Team	<i>new</i> <i>new</i>	Delegate - Proxy -
GEDC Regional Coordination Group	<i>new</i> <i>new</i>	Delegate - Proxy -