

# **SPECIAL MEETING OF COUNCIL**

# **AGENDA**

**23 OCTOBER 2023** 













# NOTICE OF MEETING

23 October 2023

14 White Street Brookton, WA 6306

Dear Councillor, Resident or Ratepayer,

Notice is hereby given that the Special Meeting of the Brookton Shire Council will be held at 5.15pm on Monday 23<sup>rd</sup> October 2023 in the Council Chambers at the Shire Administration Centre to conduct an election of a President, Deputy President and appoint delegates to Council Committees.

Gary Sherry
CHIEF EXECUTIVE OFFICER
18th October 2023

#### **DISCLAIMER**

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Brookton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Brookton for any act, omission or statement or intimation occurring during a Council meeting.

# TABLE OF CONTENT

4	OF VISITORS	NCEMENT (	NOU	PENING/AN	OF OI	CLARATION (	1.10.23
4				ENT	RESID	ECTION OF P	2.10.23
6			IT	Y PRESIDEN	EPUT	ECTION OF D	3.10.23
8		ICIL TABLE.	COUN	TS AT THE C	F SEA	LOCATION O	4.10.23
ND ADVISORY	COMMITTEES AND	COUNCIL	то	MEMBERS	OF	POINTMENT	5.10.23
10	Y ELECTION	ORDINAR	WING	024 FOLLOV	023-2	ROUPS FOR 20	
16	••••			OSURE	& CL	XT MEETING	6.10.23

# 1.10.23 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chief Executive Officer will declare the meeting open at 5.15pm.

On behalf of Council, I would like to acknowledge that this meeting is being held on the traditional lands of the Nyoongar People and pay respect to all Elders, past, present, and emerging. I wish to acknowledge and respect local people's continuing culture and the contribution they make to Country and it's life.

2.10.23	ELECTION OF PRESIDEN	Г
2.10.23	LEECTION OF THESTORIA	

File No: GOV029A2

Date of Meeting: 23 October 2023

Location/Address: N/A
Name of Applicant: N/A
Name of Owner: N/A

Author/s: Gary Sherry – Chief Executive Officer
Authorising Officer: Gary Sherry – Chief Executive Officer

**Declaration of Interest**: The author and authorising officer do not have an

interest in this item

Voting Requirements: N/A
Previous Report: N/A

### **Summary of Report:**

It is necessary for Council to elect a Shire President

#### **Description of Proposal:**

In accordance with Schedule 2.3 of the Local Government Act 1995, written nominations for the office of President for the next two years are to be addressed to the Chief Executive Officer.

Nomination forms are enclosed with Councillors Agenda Package for the purpose. If a Councillor is nominated by another Councillor, the nominee must advise the Chief Executive Officer orally or in writing that he/she is willing to be nominated for the office.

Should there be two or more nominees, a secret ballot will be conducted to determine the holder of the office.

Upon election the President is required to make a Declaration

## **Statutory Environment:**

Local Government Act 1995

- 2.11. Alternative methods of filling office of mayor or president
  - (1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —
    - (a) elected by electors of the district under Part 4; or
    - (b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

Division 1 — Mayors and presidents

#### 1. Terms used in this Division

In this Division —

"extraordinary vacancy" means a vacancy that occurs under section 2.34(1);

# 2. When the council elects the mayor or 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; and
  - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

# 3. CEO to preside

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

# 4. How the mayor or president is elected

- (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.
- (6) 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.
- (7) 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.

# 5. Votes may be cast a second time

- (1) 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.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.

<sup>&</sup>quot;the office" means the office of councillor mayor or president.

- (3) 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.
- (4) 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.

The CEO will conduct an Election for President.

Nominations for the position of President can be made to the CEO prior to the Meeting or at the Meeting.

The elected President will make the Declaration of Office of President.

The President will assume the Chair.

3.10.23 ELECTION OF DEPUTY PRESIDENT		
File No:	GOV029A2	
Date of Meeting:	23 October 2023	
Location/Address:	N/A	
Name of Applicant:	N/A	
Name of Owner:	N/A	
Author/s:	Gary Sherry – Chief Executive Officer	
Authorising Officer:	Gary Sherry – Chief Executive Officer	
Declaration of Interest:	The author and authorising officer do not have an	
	interest in this item	
Voting Requirements:	N/A	

## **Summary of Report:**

**Previous Report:** 

It is necessary for Council to elect a Shire Deputy President

N/A

#### **Description of Proposal:**

In accordance with Schedule 2.3 of the Local Government Act 1995, written nominations for the office of Deputy President for the next two years are to be addressed to the Chief Executive Officer.

Nomination forms are enclosed with Councillors Agenda Package for the purpose. If a Councillor is nominated by another Councillor, the nominee must advise the Chief Executive Officer orally or in writing that he/she is willing to be nominated for the office.

Should there be two or more nominees, a secret ballot will be conducted to determine the holder of the office.

Upon election the Deputy President is required to make a Declaration

#### **Statutory Environment:**

Local Government Act 1995

2.15. Filling the office of deputy mayor or deputy president

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

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15]

Division 2 — Deputy mayors and deputy presidents

#### 6. Terms used in this Division

In this Division —

"extraordinary vacancy" means a vacancy that occurs under section 2.34(1);

"the office" means the office of deputy mayor or deputy president.

- 7. When the council elects the deputy mayor or deputy president
  - (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president 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; and
    - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
  - (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled
    - (a) as the next matter dealt with after the mayor or president is elected 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; and
    - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
  - (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.
- 8. How the deputy mayor or deputy president is elected
  - (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
  - (2) 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.
  - (3) Nominations for the office are to be given to the person conducting the election 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 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.
  - (4) 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.
  - (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
  - (6) 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.

- (7) 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.
- 9. Votes may be cast a second time
  - (1) 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.
  - (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
  - (3) 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.
  - (4) 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.

The CEO will conduct an election for Deputy President.

Nominations for the position of Deputy President can be made to the CEO prior to the Meeting or at the Meeting.

The elected Deputy President will make the Declaration of Office of Deputy President.

4 10 22	ALLOCATION OF CEATS AT THE COUNCIL TABLE
4.10.23	ALLOCATION OF SEATS AT THE COUNCIL TABLE

File No: GOV022A

**Date of Meeting**: 23 October 2023

Location/Address: N/A
Name of Applicant: N/A
Name of Owner: N/A

**Author/s:** Gary Sherry – Chief Executive Officer **Authorising Officer:** Gary Sherry – Chief Executive Officer

**Declaration of Interest**: The author and authorising officer do not have an

interest in this item

Voting Requirements: N/A
Previous Report: N/A

# **Summary of Report:**

Council is to allocate seats at the Council table for Councillors.

# **Description of Proposal:**

Council's Standing Orders policy requires that the Chief Executive Officer allot a position at the Council table at the first meeting after an election.

While Council has traditionally allocated specific places for the Shire President and Shire Deputy President at the Council Table, the Chief Executive Officer will allot seats by random draw at the Council Table for the remaining Councillors.

# **Statutory Environment:**

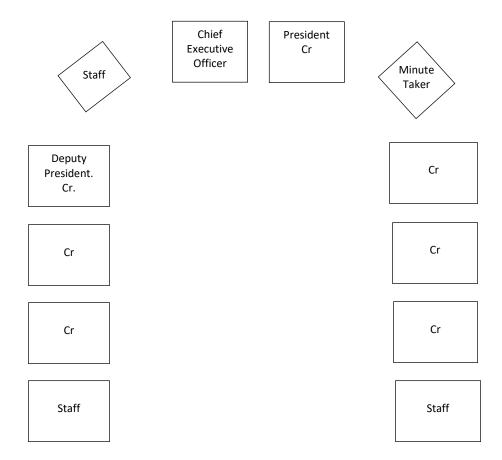
Shire of Brookton -Standing Orders Policy

Part 7 – Conduct of Members

- 7.1 Members to be in their proper places
  - (1) At the first meeting held after each election day, the CEO is to allot, (alphabetically by ward if applicable), a position at the Council table to each Member.

The Chief Executive Officer will allot seats by random draw at the Council Table for Councillors.

# **Council Seating Allocation – October 2023**



5.10.23 APPOINTMENT OF MEMBERS TO COUNCIL COMMITTEES AND ADVISORY GROUPS FOR 2023-2024 FOLLOWING ORDINARY ELECTION.

File No: GOV022C Committees of Council

**Date of Meeting**: 23 October 2023

**Location/Address**: 14 White Street, Brookton WA 6306

Name of Applicant: N/A
Name of Owner: N/A

**Author/s:** Sandie Spencer - Executive Governance Officer

**Authorising Officer:** Gary Sherry - Chief Executive Officer

**Declaration of Interest**: Nil

**Voting Requirements:** Absolute Majority

Previous Report: Nil

## **Summary of Item:**

With the completion of the recent Ordinary Election a review of the appointment of Elected Members to Committees of Council, Shire of Brookton Advisory Groups and delegates to organisations, positions and committees to which Council has membership or representation.

# **Description of Proposal:**

Council is required to review the selection of Elected Members to Council's committees at least once each election cycle.

With only 5 current Councillors and two vacant positions, Council will likely review committee appointments in March 2023 after the extraordinary election. Council needs to make appointments now to allow Council business to proceed prior to March 2023.

#### **Background:**

A review of some of the committees and delegates that Council participates in may be appropriate.

No.	Council Committee	Role/Authority
1	Audit and Risk Committee	This is a legislatively required Committee to oversee Council's audit process and risk management. This committee will be the subject of future legislative amendment in the very near future.
		Minimum of 3 Elected Members and 2 External Representatives, one being a CPA
		The Committee meets as required but this is always at least 3 times per year. The Committee makes recommendations to Council.
2	Employment Committee	The committee is responsible for overseeing employment relationship with CEO. This includes performance and salary review.
		This committee has Delegated Authority to make decisions binding of Council.

No.	Council Committee	Role/Authority
		The Committee would normally meet annually
3	Bushfire Advisory	An advisory committee to oversee fire prevention, fire
	Committee (BFAC)	management and recommended on Council policy
		relating to the Bush Fires Act.
		Currently the committee meets 3 times per year.
4	Shire of Brookton Local	This committee acts in accordance with the
	Emergency Management Committee	Emergency Management Act 2005 to manage and organise the Brookton community's emergency preparation and response
		Currently the committee meets 4 times per year.
5	Community Enterprise Advisory Reference Group (CEARG)	The CEARG operates under the auspice of Council to co-ordinate and oversee community projects listed in the Shire of Brookton Corporate Business Plan, or
	(CL) live)	arising from 'Innovations Pathway' and the BROOKTON Book of Initiatives.
		Such projects may include (but are not limited to) civic projects and initiatives that involve direct participation from key community representatives
		The Terms of Reference for this Advisory Group is subject to review by Council
6	Business and Economic Advisory Reference Group (BEARG)	The purpose of this Group is to co-ordinate and oversee major projects of a commercial or economic nature for the betterment of the BROOKTON economy and community.
		Such projects are listed in the Shire of Brookton Corporate Business Plan, and may also be identified through the 'Innovations Pathway' and the BROOKTON Book of Initiatives
		The Terms of Reference for this Advisory Group is subject to review by Council
7	Brookton Recreation Advisory Group (BRAG)	The BRAG seeks to ensure the WB Eva Pavilion and Brookton Oval is appropriately maintained and accessible for all users and utilised by a broad range of community and private users.
		The Terms of Reference for this Advisory Group is subject to review by Council
8	Brookton Natural Resource Management Group (BNRMG)	This Group was initially formed under the banner of Regenerative Farming, but amended by Council to Natural Resource Management as a broader scope of function to investigate and make recommendations as well as co-ordinate and oversee environmental community projects, as endorsed by Council.
		community projects, as endorsed by council.

No.	Council Committee	Role/Authority
		The Terms of Reference for this Advisory Group is
		subject to review by Council
9	WALGA Central Country Zone	This group is made up of 13 member Councils of the WALGA. Council is entitled to two delegates.
		It is suggested that the CEO be at a proxy delegate to permit the CEO to attend and vote on matters of importance when a Council delegate is unable to attend.
		This Committee meets about 5 times a year, in locations around the district. Meetings take up six hours with travel.
10	WALGA AGM (Voting)	Council is entitled to two voting delegates at the annual WALGA AGM.
		Again it may be appropriate to include the CEO as one of the proxy delegates
11	Wheatbelt South Regional Road Group (WBSRRG) & Hotham-Dale Subgroup	The WBSRRG is the key body responsible for oversight and allocation of road funding in our region under the State Road Funds Agreement.
		The Hotham-Dale Subgroup is our local group including the Shires of Beverley, Pingelly and Wandering who provide delegates to the WBSRRG.
12	Brookton District High School Board	The representative will sit on the Brookton DHS Board.
13	Yenyenning Lakes Management Group (YLMG)	The representative will sit on the YLMG and represent the Shire of Brookton's interests.
14	Regional Joint Development Assessment Panel (JDAP)	Council can nominate 2 delegates and 2 Deputy Delegates to the JDAP to sit on reviews of large planning applications in the Shire of Brookton. Council's nominees must be appointed by the Minister and are required to complete training.
		The Shire of Brookton has never had such a planning application.
15	Roadwise Council	Council can nominate an elected member as a contact for the WALGA Roadwise Council program.
		Council can nominate a staff member as a contact for the WALGA Roadwise Council program.

# Consultation - Nil.

# **Statutory Environment:**

Local Government Act (1995)

5.10 Appointment of committee members

(1) A committee is to have as its members -

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

# \*Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish -
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

# 5.11. Tenure of committee membership

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until -
  - the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
  - (b) the person resigns from membership of the committee;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,
  - whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until -
  - (a) the term of the person's appointment as a committee member expires;
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,
  - whichever happens first.

# **Relevant Plans and Policy:**

The following Policies apply to the establishment and operation of Council Committees:

- Policy 1.13 Council Committees Terms of Reference
- Policy 1.12 CEO Performance and Salary Review
- Policy 1.26 Code of Conduct Behaviour Complaints Management

### **Financial Implications:**

Elected member meeting attendance fees and allowances and expense rates include the following:

•	Committee Meeting Fee	\$100 per meeting
•	Working/Advisory Groups/External Committees	\$50 per meeting
•	Regional Road Group	\$100 per meeting
•	WALGA Zone Meeting	\$100 per meeting
•	Travel (as per Salary and Allowances Tribunal)	\$0.91 per km

These costs are accommodated in the 2023/24 municipal budget.

#### **Risk Assessment:**

In not appointing members to the Audit and Risk Committee, LEMC and BFAC the Council would be in breach of the respective legislation. While the consequences are major, the likelihood of occurrence is Rare.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood	msignincant	IVIIIIOI	Moderate	iviajor	LAUCINE
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

# **Community & Strategic Objectives:**

This proposal relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – October 2020, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the appointment of representatives to Committees and Advisory Groups aligns to:

#### 1. Governance

1.4 Convene Council meetings, prepare agendas, minutes

#### Comment:

The use of Committees to undertake Council functions and provide advice to Council is an important means of progressing projects and addressing issues without the need for full Council representation.

Council representation on Advisory Groups is also an important link for the awareness of the Council on issues that may impact the community or for that matter Council business.

As such it is essential that all Council members contribute through participation on some of these groups.

Council may, at any time, exercise its authority under the legislation to:

- change the composition of an existing Committee or Advisory Group (including increase in members);
- create a new Committee or Advisory Group with a defined purpose; or
- delete an existing Committee or Advisory Group if there is no further a purpose or need.

# **OFFICER RECOMMENDATION**

That Council appoint the following as members of Committees of Council and as delegates of Council to the respective committee or organisation:

No.	Council Committee	Council Representative/ Dele	egate
1	Audit and Risk (Finance)	Cr	
	Committee	Cr	
		Cr	
		Mr E. Pech	
		Mr/Ms	_
2	<b>Employment Committee</b>	Cr	
		Cr	
		Cr	
		Cr	
3	<b>Bushfire Advisory Committee</b>	Cr	- Chair
		Cr	
4	Local Emergency Management	Cr	- Chair
	Committee	Cr	
5	<b>Community Enterprise Advisory</b>	Cr	- Chair
	Reference Group	Cr	
		Cr	
		Cr	
6	Business and Economic	Cr	- Chair
	Advisory Reference Group	Cr	- Deputy Chair
		Cr	
		Cr	
7	<b>Brookton Recreation Advisory</b>	Cr	- Chair
	Group	Cr	
8	Brookton Natural Resource	Cr	- Chair
	Management Group	Cr	
9	WALGA Central Country Zone	Cr	
		Cr	
		Cr	- Proxy
		Chief Executive Officer- Prox	у
10	WALGA AGM (Voting)	Cr	
		Cr	
			- Proxy
		<b>Chief Executive Officer- Prox</b>	у
11	MRWA Wheatbelt South	Cr	
	Regional Road Group &	Cr	- Proxy
	Megional Moda Group &	<u> </u>	110/

No.	Council Committee	Council Representative/ Delegate
	Hotham-Dale Subgroup	
12	Brookton District High School Board	Cr
13	Yenyenning Lakes Management Group	Cr
14	Regional Joint Development	Cr
	Assessment Panel (JDAP)	Cr
		Cr Proxy
		Cr Proxy

(Absolute majority vote required)

# 6.10.23 NEXT MEETING & CLOSURE

The next Ordinary meeting of the Council will be held on Thursday  $16^{th}$  November 2023 commencing at 6:00~pm.