



CONFIRMED

MINUTES

Ordinary Council Meeting

28 February 2023

6:00pm

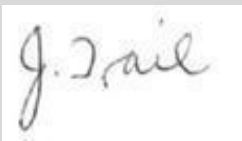
Council Chambers, Bayley Street, Coolgardie

SHIRE OF COOLGARDIE

NOTICE OF ORDINARY MEETING OF COUNCIL

Dear Elected Member

The next Ordinary Meeting of the Shire of Coolgardie will be held on Tuesday 28 February 2023 commencing at 6:00pm.

A rectangular box containing a handwritten signature in black ink that reads "J. Trail".

JAMES TRAIL
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING**28 February 2023**

Welcome to the Ordinary Council Meeting of the Shire of Coolgardie.

The dates, times and locations of the Ordinary Council Meetings for 2023 are listed hereunder.

<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Venue</u>
Tuesday	January 2023	N/A	-
Tuesday	28 February 2023	6.00pm	Coolgardie
Tuesday	28 March 2023	6.00pm	Kambalda
Tuesday	26 April 2023	6.00pm	Coolgardie
Tuesday	23 May 2023	6.00pm	Kambalda
Tuesday	27 June 2023	6.00pm	Coolgardie
Tuesday	25 July 2023	6.00pm	Kambalda
Tuesday	22 August 2023	6.00pm	Coolgardie
Tuesday	26 September 2023	6.00pm	Kambalda
Tuesday	24 October 2023	6.00pm	Coolgardie
Tuesday	28 November 2023	6.00pm	Kambalda
Tuesday	19 December 2023	6.00pm	Coolgardie



James Trail
Chief Executive Officer

DISCLAIMER

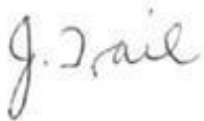
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA 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.

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 COUNCILS DECISION.



James Trail
CHIEF EXECUTIVE OFFICER

COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer prior to 2:30pm on the day of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Coolgardie and Kambalda Offices/Libraries seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at:

- (a) Every ordinary meeting of a council; and
- (b) Such other meetings of councils or committees as may be prescribed

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b)

Local Government (Administration) Regulations 1996

Reg 5 For the purpose of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

- (a) every special meeting of a council; and
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

- Reg 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

- Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:
- (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members, having regard to the requirements of sub regulations (2) and (3).
- (2) The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in sub regulation (3) requires:
- (a) A council to answer a question that does not relate to a matter affecting the local government;
 - (b) A council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) A committee to answer a question that does not relate to a function of the committee.

2. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Coolgardie and Kambalda Offices/Libraries within ten (10) working days after the Meeting.

NOTE:**10.3 Unopposed Business**

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it,
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

Order Of Business

1	Declaration of Opening / Announcement of Visitors	10
1.1	Welcome to Country Announcement	
2	Declaration of Council Members	
3	Record of Attendance / Apologies / Approved Leave of Absence.....	
4	Declarations of Interest	
4.1	Declarations of Financial Interests – Local Government Act Section 5.60A	
4.2	Declarations of Proximity Interests – Local Government Act Section 5.60B.....	
4.3	Declarations of Impartiality Interests – Shire of Coolgardie Code of Conduct for Council Members, Committee Members and Candidate for Election, Code of Conduct for Employees.....	
5	Response to Previous Public Questions taken on Notice.....	
6	Public Question Time	
7	Applications for Leave of Absence	
8	Confirmation of Minutes of Previous Minutes.....	
6	Announcements by Presiding Person without Discussion.....	
10	Reports of Committees.....	
11	Reports of Officers	
12	Reports of Officers	
13	Items for Information Only	
14	Elected Members Motions of Which Previous Notice has been Given	
15	New Business of an Urgent Nature Introduced by Decision of Meeting	
15.1	Elected Members.....	
15.2	Council Officers	
16	Matters Behind Closed Doors.....	
17	Closure of Meeting.....	17

**MINUTES OF SHIRE OF COOLGARDIE
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, BAYLEY STREET, COOLGARDIE
ON TUESDAY, 28 FEBRUARY 2023 AT 6:00PM**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President, Malcolm Cullen, opened the meeting at 6:00pm and welcomed his fellow Councillors, staff and members of the public and thanked them for their attendance.

Following this item, and before the next item of Council business could begin, a resident announced their intention to tape the proceedings of the Council meeting.

The Presiding Member, Shire President Cr Cullen advised that recording of the Council meeting was not permitted.

The resident indicated that she would continue to record the Council meeting, despite the caution from the Presiding Member.

The resident continued to interrupt and disrupt the Council meeting, preventing Council addressing the next item of business on the agenda.

Post Council meeting note by CEO - In accordance with the Shire of Coolgardie Meeting Procedures Local Law 6.16 Recording of proceedings - A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

19.1 Penalty for breach

A person who breaches a provision of these Local Laws commits an offence.

Penalty: \$1,000.00 and a daily penalty of \$100.00.

Post Council meeting note by CEO - in accordance with the Shire of Coolgardie Meeting Procedures Local Law 6.17 Prevention of disturbance (1) A reference in this clause to a person is to a person other than a member. (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member. (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means. (4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.

19.1 Penalty for breach

A person who breaches a provision of these Local Laws commits an offence.

Penalty: \$1,000.00 and a daily penalty of \$100.00.

Post Council meeting note by CEO – at this point it became clear that the resident intended to continue recording the Council meeting, and to disrupt the proceedings.

Post Council meeting note by CEO – 9.4 Calling attention to breach - A Member may, at any time, draw the attention of the Presiding Member to any breach of these Local Laws.

Post Council meeting note by CEO - 15.1 Meeting may be adjourned - The Council may adjourn any meeting— (a) to a later time on the same day; or (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

COUNCIL RESOLUTION #11/2023

Moved: Cr Tracey Rathbone

Seconded: Cr Tammee Keast

That Council ADJOURN the meeting for 15 minutes to resume at 6:17pm due to public disturbance 28 February 2023.

In Favour: Crs Malcolm Cullen, Tracey Rathbone, Sherryl Botting, Tammee Keast, Kathie Lindup and Rose Mitchell

Against: Nil

CARRIED 6/0

Council meeting was adjourned at 6:02pm.

COUNCIL RESOLUTION #12/2023

Moved: Cr Tracey Rathbone

Seconded: Cr Sherryl Botting

That Council resume the meeting at 6:17pm.

In Favour: Crs Malcolm Cullen, Tracey Rathbone, Sherryl Botting, Tammee Keast, Kathie Lindup and Rose Mitchell

Against: Nil

CARRIED 6/0

The meeting was reconvened at 6:17pm, with all Council Members present, in accordance with the original attendance register at the commencement of the meeting.

The disruption to the Council meeting continued and it was not possible for Council to consider the agenda of the Council meeting.

Cr Tracey Rathbone, moved to suspend the meeting due to public disturbance in accordance with the Shire of Coolgardie Meeting Procedures Local Law 6.17 Prevention of disturbance at 6:18pm.

COUNCIL RESOLUTION #13/2023**Moved: Cr Tracey Rathbone****Seconded: Cr Kathie Lindup****That Council ADJOURN the meeting to resume Tuesday 07 March 2023 at 3:00pm.****In Favour: Crs Malcolm Cullen, Tracey Rathbone, Sherryl Botting, Tammee Keast, Kathie Lindup and Rose Mitchell****Against: Nil****CARRIED 6/0**

The Council Meeting was adjourned at 6:18pm to resume Tuesday 07 March 2023 at 3:00pm, and was closed to all public.