



CONFIRMED

MINUTES

Special Council Meeting

24 October 2023

5:00pm

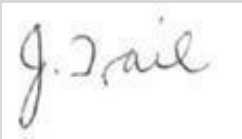
Council Chambers, Bayley Street, Coolgardie

SHIRE OF COOLGARDIE

NOTICE OF

Dear Elected Member

The next Special Council Meeting of the Shire of Coolgardie will be held on Tuesday 24 October 2023 commencing at 5:00pm.

A rectangular box containing a handwritten signature in cursive script that reads "J. Trail".

**JAMES TRAIL
CHIEF EXECUTIVE OFFICER**

SPECIAL COUNCIL MEETING**24 October 2023**

Welcome to the Special 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 |
| Wednesday | 26 April 2023 | 2.00pm | Coolgardie |
| Tuesday | 23 May 2023 | 2.30pm | Kambalda |
| Tuesday | 27 June 2023 | 2.30pm | Coolgardie |
| Tuesday | 25 July 2023 | 2.30pm | Kambalda |
| Tuesday | 22 August 2023 | 2.30pm | Coolgardie |
| Tuesday | 26 September 2023 | 2.30pm | Kambalda |
| Tuesday | 24 October 2023 | 2.30pm | Coolgardie |
| Tuesday | 28 November 2023 | 2.30pm | Kambalda |
| Tuesday | 19 December 2023 | 2.30pm | Coolgardie |



James Trail
Chief Executive Officer

DISCLAIMER

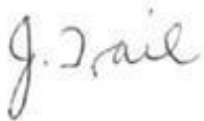
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

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 10:30am 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

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**MINUTES OF SHIRE OF COOLGARDIE
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, BAYLEY STREET, COOLGARDIE
ON TUESDAY, 24 OCTOBER 2023 AT 5:00PM**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Chief Executive Officer, James Trail, opened the meeting at 5:00pm and welcomed Councillors, staff and members of the public, and thanked them for their attendance.

1.1 WELCOME TO COUNTRY ANNOUNCEMENT

“The Shire of Coolgardie acknowledges the Traditional Owners of the land, on which we meet and pay our respects to Elders past, present and emerging”

2 DECLARATION OF COUNCIL MEMBERS

The Chief Executive Officer invited Council Members to declare that they have read the agenda and supporting documents and able to make informed decision on all matters accordingly.

3 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

PRESENT:

Cr Malcolm Cullen, Cr Tracey Rathbone, Cr Sherryl Botting, Cr Rose Mitchell, Cr Daphne Simmons, Cr Corey Matthews

IN ATTENDANCE:

James Trail (Chief Executive Officer), Robert Hicks (Deputy Chief Executive Officer), Rebecca Horan (Manager of Executive Services), Anita Nathan (Director of Corporate Affairs), Steven Tweedie (Governance Consultant) via electronic means

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

MEMBERS OF THE PUBLIC

Tammee Keast, Tash Grey

4 DECLARATIONS OF INTEREST

Nil

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 PUBLIC QUESTION TIME

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

Nil

8 REPORTS OF COMMITTEES

Nil

9 REPORTS OF OFFICERS

9.1 Executive Services

9.1.1 ELECTION OF SHIRE PRESIDENT

| | |
|-------------------------|--------------------------------------|
| Location: | Shire of Coolgardie |
| Applicant: | Nil |
| Disclosure of Interest: | Nil |
| Date: | 03 October 2023 |
| Author: | James Trail, Chief Executive Officer |

SUMMARY

For Council to elect a Shire President for a 2 year term.

BACKGROUND

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

The term of the positions is for 2 years (until the next ordinary election).

COMMENT

The process of election is effectively the same, as the process for election of a Council Member, except that there is a different way of dealing with a tied vote for the office.

The CEO is to preside at the meeting until the Office of President is filled. Once a Council Member has been elected as President and completed the Declaration, the President is to assume the Chair.

The Process of electing the Shire President

The CEO, in presiding at the Special Council meeting will:

- invite nominations from Council Members for the position of Shire President - nominations may be provided, **in writing** to the CEO, in advance of the meeting, and at any time up to when the CEO advises that nominations close (Sch 2.3 LGA)
- if a Council Member nominates another Council Member to be President, then latter must accept the nomination, orally, or in writing to the CEO (Sch 2.3 LGA)
- at the close of nominations, the CEO is to announce the nominations for the office of Shire President - if only one candidate, then the CEO is to announce that candidate is elected unopposed, if more than nomination the CEO is to announce that an election will be held (Sch 4.1 LGA):
 - the CEO will prepare each ballot paper in the form prescribed at Form 10 of the Election Regulations, as modified.
 - the CEO will determine whether the names of candidates will be written on the ballot paper either in alphabetical order, or as result of a draw for position Reg 11 A Constitution Regs
 - the CEO has determined that if an election is to be held that the names of candidates will be recorded alphabetically
 - the CEO must initial the back of each ballot paper (Sch 11B Const Regs)
 - the CEO will advise that the election will be conducted as though it were an election for Council Members, in that each Council Member:
 - ✓ if there are 2 candidates Council Members must place at least a number 1 against their preferred candidate names

- ✓ if there are 3 or more candidates Council Members _ place consecutive numerals from 1 in their order of preference
 - although it is to be conducted as a secret ballot, the results of the election will be announced
 - if a Council Member makes an error, they may request a replacement ballot paper and the CEO shall provide it, and endorse "spoilt" on the original ballot paper (Reg 11C Const Regs)
 - the CEO will advise that if there are 3 or more candidates for a position then an absolute majority of the votes cast will be required, to be elected, but that if that does not occur on the count of the 1 votes, the candidate with the least votes will be eliminated, and have their preferences to the remaining candidates and so on until a candidate achieves an absolute majority.
 - If, because there are only 2 candidates remaining in the count, it is not possible for either candidate to achieve an absolute majority, because eliminated candidate/s have not marked preferences or are otherwise unable to be counted, then if either remaining candidate has more votes (but not necessarily an absolute majority), he/she shall be declared successful and the incoming Shire President.
 - If having counted the ballot papers cast, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and that the count is to be discontinued and the Special Council meeting will be adjourned to held within 7 days (Sch 2.3 LGA) - note - the CEO could determine that such a Special Council meeting is to be held 30 mins after the adjournment of the current Special Council meeting.
 - If at the subsequent resumed Special Council meeting, having followed all the procedures for a fresh election, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and shall proceed to draw lots between the tied candidates, to determine the result of the election.
- The Council Member elected Shire President shall make the required declaration (Form 7 of Constitution Regs).
 - The CEO will give Local Public Notice of the results of the election as required by the LGA and the Elections Regs.
 - The CEO will advise the Minister of the results of the election using Form 20 of the Elections Regs.

CONSULTATION

NIL

STATUTORY ENVIRONMENT

Various provisions exist in the Local Government Act 1995, the Local Government (Constitution) Regulations 1999 and the Local Government (Elections) Regulations 1997 dealing with how the offices of President and Deputy President are filled, and they are summarised above.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

That Council, congratulate Councillor Malcolm Cullen, on being elected Shire President (for the next two years).

9.1.2 ELECTION OF DEPUTY SHIRE PRESIDENT

Location: Shire of Coolgardie
Applicant: Nil
Disclosure of Interest: Nil
Date: 03 October 2023
Author: James Trail, Chief Executive Officer

SUMMARY

For Council to elect a Deputy Shire President for a 2 year term.

BACKGROUND

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

The term of the positions is for 2 years (until the next ordinary election).

COMMENT

The Process of electing the Deputy Shire President

Having made the declaration, as President, the Shire President will take the Presiding Member chair for the election of the Deputy Shire President (or if the Shire President is unable, or unwilling to do so, then the CEO shall do so – Sch 2.3 LGA).

The Shire President, as Presiding Member, will, or will cause (via the CEO) to:

- invite nominations from Council Members for the position of Deputy President - nominations may be provided, **in writing** to the CEO in advance of the meeting, (as Presiding Member, before the Presiding Member is elected, or following that election, to the Presiding Member), and at any time up to when the Presiding Member advises that nominations close (Sch 2.3 LGA)
- if a Council Member nominates another Council Member to be Deputy President, the latter must accept the nomination, orally, or in writing to the Presiding Member (Sch 2.3 LGA)
- at the close of nominations, the Presiding Member is to announce the nominations for the office of Deputy President - if only one candidate, then the Presiding Member is to announce that candidate is elected unopposed, if more than nomination the Presiding Member is to announce that an election will be held (Sch 4.1 LGA):
 - the CEO will prepare each ballot paper in the form prescribed at Form 10 of the Election Regulations, as modified.
 - the CEO will determine whether the names of candidates will be written on the ballot paper either in alphabetical order, or as result of a draw for position Reg 11 A Constitution Regs
 - the CEO has determined that if an election is to be held that the names of candidates will be recorded alphabetically
 - the CEO must initial the back of each ballot paper (Sch 11B Const Regs)
 - the CEO will advise that the election will be conducted as though it were an election for Council Members, in that each Council Member:
 - ✓ if there are 2 candidates Council Members must place at least a number 1 against their preferred candidate names
 - ✓ if there are 3 or more candidates Council Members may place consecutive numerals from 1 in their order of preference
 - although it is to be conducted as a secret ballot, the results of the election will be announced

- if a Council Member makes an error, they may request a replacement ballot paper and the CEO shall provide it, and endorse “spoilt” on the original ballot paper (Reg 11C Const Regs)
 - the CEO will advise that if there are 3 or more candidates for a position then an absolute majority of the votes cast will be required, to be elected, but that if that does not occur on the count of the 1 votes, the candidate with the least votes will be eliminated, and have their preferences to the remaining candidates and so on until a candidate achieves an absolute majority.
 - If, because there are only 2 candidates remaining in the count, it is not possible for either candidate to achieve an absolute majority, because eliminated candidate/s have not marked preferences or are otherwise unable to be counted, then if either remaining candidate has more votes (but not necessarily an absolute majority), he/she shall be declared successful and the incoming Shire President.
 - If having counted the ballot papers cast, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and that the count is to be discontinued and a fresh Special Council Meeting will be held within 7 days (Sch 2.3 LGA) - note - the CEO could determine that such a Special Council meeting is to be held 30 mins after the discontinuation of the current Special Council meeting.
 - If at the subsequent resumed Special Council meeting, having followed all the procedures for a fresh election, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and shall proceed to draw lots between the tied candidates, to determine the result of the election.
- The Council Member elected Deputy President shall make the required declaration (Form 7 of Constitution Regs).
 - The CEO will give Local Public Notice of the results of the election as required by the LGA and the Elections Regs.
 - The CEO will advise the Minister of the results of the election using Form 20 of the Elections Regs.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Various provisions exist in the Local Government Act 1995, the Local Government (Constitution) Regulations 1999 and the Local Government (Elections) Regulations 1997 dealing with how the offices of President and Deputy President are filled, and they are summarised above.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

That Council, congratulate Councillor Tracey Rathbone, on being elected Deputy Shire President (for the next two years).

10 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

10.1 Elected Members

10.2 Council Officers

11 CLOSURE OF MEETING

The Meeting closed at 5:16pm.