



SHIRE OF
DOWERIN
TIN DOG TERRITORY

AGENDA

Special Council Meeting

To be held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Thursday 2 November 2023
Commencing 6.00pm





NOTICE OF MEETING

Dear President and Councillors,

A Special Council Meeting will be held on Thursday 2 November 2023 in the Shire of Dowerin Council Chambers, 13 Cottrell Street, Dowerin commencing at 6.00pm. The purpose of the meeting will be to swear in of Councillors Elect, Election of President, and Deputy President, and call for nominations on Committees.

David Singe
Chief Executive Officer
30 October 2023

DISCLAIMER

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Dowerin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

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

It should be noted that the Attachment hyperlinks may not be functional from this document when sourced from the Shire of Dowerin's website. Attachment copies follow on from the end of the Agenda.

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Shire of Dowerin
Special Council Meeting
6.00pm Thursday 2 November 2023



1. Official Opening

The outgoing President will convene the meeting until the office of President (incoming) has been filled.

The President welcomes those in attendance and declares the meeting open at 6:00pm.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

Cr BA Ward
Cr WG Allsopp
Cr NP McMorran

Councillors Elect:

Cr AJ Metcalf
Cr JC Sewell
Cr RI Trepp

Staff

Mr D Singe	Chief Executive Officer
Mr A Wooldridge	Deputy Chief Executive Officer
Ms K Rose	Executive & Governance Officer

Members of the Public:

Apologies: Cr DP Hudson

Approved Leave of Absence:

3. Swearing In Of Councillors Elect

In accordance with Section 2.29 of the *Local Government Act 1995*, Ms Ann Rackham, Justice of the Peace, will swear in the Councillors Elect.

4. Election of the President

The President (outgoing) will call for nominations for the position of President of the Council, for the ensuing 2 years.

5. Declaration by the President

Ms Ann Rackham, Justice of the Peace, will witness the declaration of the President.

6. Election of the Deputy President

The President will call for nominations for the position of Deputy President of the Council, for the ensuing 2 years.

7. Declaration by the Deputy President

Ms Ann Rackham, Justice of the Peace, will witness the declaration of the Deputy President.

8. Draw for Position at the Council Table

The President will conduct the ballot for the seating arrangement at the Council Table for the next two years. Councillors will take their seats after the ballot is called.

Alternatively, Council may resolve to retain the current seating arrangements.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation – 8.1

That Council resolves that the seating arrangement for the next two-year period commencing Thursday 2 November 2023, from left to right, as is follows:

1. Councillor _____
2. Councillor _____
3. Councillor _____
4. Councillor _____
5. Councillor _____
6. Councillor _____
7. Councillor _____

9. Public Question Time

10. Disclosure of Interest

Councillors are to complete a Disclosure of Interest Form for each item they are required to disclose an interest in. The Form should be given to the Presiding Member before the meeting commences. After the meeting, the Form is to be provided to the Executive & Governance Officer for inclusion in the Disclosures Register.

11. ELECTION OF DELEGATES AND DEPUTY DELEGATES TO COMMITTEES

11.1 Nomination for Council Committees

<h1>Governance & Compliance</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	30 October 2023	
Location:	Not applicable	
Responsible Officer:	David Singe, Chief Executive Officer	
Author:	Kahli Rose, Executive & Governance Officer	
Legislation:	<i>Local Government Act 1995</i>	
SharePoint Reference:	Organisation/Governance/Committees/Council Committee General File	
Disclosure of Interest:	Nil	
Attachments:	<p><u>Attachment 11.1A</u> - Audit & Risk Committee Terms of Reference</p> <p><u>Attachment 11.1B</u> - Asset & Works Committee Terms of Reference</p> <p><u>Attachment 11.1C</u> - Bush Fire Advisory Committee Terms of Reference</p> <p><u>Attachment 11.1D</u> - Local Emergency Management Committee Terms of Reference</p>	

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This Item seeks a resolution on the reinstatement and Terms of Reference of Council committees and seeks nominations from Councillors for these committees.

Background

The below table details Council's Committee's and representation. The table also shows which committees are required under legislation.

Committee	Legislated/Optional	Previous Membership	Meeting Cycle	Representatives required by existing ToRs
Audit & Risk Committee	<i>Local Government Act 1995 (Section 7.1A)</i>	Cr Trepp, Cr McMorran, Cr Ward	At least quarterly	3 Councillors, plus one external member
Asset & Works Committee	Optional	Cr Metcalf Cr Sewell Cr Trepp Cr Hudson (deputy)	At least quarterly	3 Councillors and a proxy.
Dowerin Bush Fire Advisory Committee	<i>Bush Fires Act 1954</i>	Cr Metcalf, Cr Hagboom (deputy)	Twice annually	1 Councillor and a Proxy
Dowerin Local Emergency Management Committee	<i>Emergency Management Act 2005</i>	Cr Trepp, Cr Hudson (deputy)	Quarterly	President
Australia Day Honours Committee	Optional	Cr Ward Cr Allsopp Cr McMorran (deputy)	Once Annually	2 Councillors

The Terms of Reference for each committee are included as Attachments.

Comment

In accordance with Section 5.11 of the *Local Government Act 1995* (the Act) committee tenure expires every two years at the ordinary election therefore it is timely for Council to consider the re-establishment, representatives, and terms of reference of its committees at the first meeting after the elections.

Nominations for each committee will be called at the meeting.

The Audit & Risk Committee Terms of Reference allow for Council to appoint an external member with audit and financial management expertise. Expressions of interest for external members of the Audit & Risk Committee will be advertised over the coming weeks, and applicants submitted to Council in due course.

While not done historically, Council has the option under Section 5.11A of the Act to appoint some or all Councillors as deputy committee members to its committees. This is common practice in some local governments as it enables those deputies to attend and participate in committee meetings in those circumstances where the appointed delegate(s) are unable to. This is particularly useful in enabling a deputy committee member to attend a committee meeting to ensure quorums.

Consultation

Senior Management Group

Policy Implications

Nil

Statutory Implications

Section 5.10 of the Act stipulates the manner for the appointment of members to Council committees.

In accordance with Section 5.10(4) of the Act, the President is entitled to be a member on any committee of their choice, even though that may exceed the quorum. Similarly, in accordance with Section 5.10(5) of the Act the CEO is entitled to be on (or appoint a representative to) any committee having employee representation.

Under Section 5.8 of the Act Council has the power to delegate authority to its committees (except those powers defined in Section 5.17 of the Act), however Council's committees do not have delegated authority. As a result all recommendations of Council's committees must be presented to Council for consideration. It is recommended this remains in place.

An Absolute Majority decision of Council is required to appoint members to committees.

In June 2018 the role and functions of an Audit & Risk Committee, as specified in Regulation 16 of the *Local Government (Audit) Regulations 1996*, were strengthened to provide greater powers and oversight in assisting the CEO to carry out the reviews of audit systems. An Audit Committee's responsibilities were also extended to 'monitor and advise' the CEO in reviews conducted into financial management systems and audit systems and procedures, as well as support the auditor as required and have functions to oversee the implementation of audit recommendations made by the auditor, which have been accepted by Council, and accepted recommendations arising from reviews of local government systems and procedures.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively managed Local Government.

Outcome: 5.2 & 5.3

Reference: 5.2.1 & 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Terms of Reference ensure committee members are aware of their role and responsibilities and mitigates the risk of committee's acting outside their responsibility.

Financial Implications

Section 5.98 of the *Local Government Act 1995* states a Councillor who attends a Council or Committee meeting is entitled to be paid the fee determined for attending a Council or Committee meeting.

The 2023/24 Budget includes an allocation for this purpose at GL 2040113 Members - Sitting Fees.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation - 11.1

That, by Absolute Majority in accordance with Sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, Council:

1. **Confirms the re-establishment of the following Council committees:**
 - a. **Shire of Dowerin Audit & Risk Committee;**
 - b. **Shire of Dowerin Asset & Works Committee;**
 - c. **Shire of Dowerin Bush Fire Advisory Committee;**
 - d. **Shire of Dowerin Local Emergency Management Committee;**
 - e. **Shire of Dowerin Australia Day Honours Committee; and**
2. **Confirms the Terms of Reference for the following Council committees:**
 - a. **Shire of Dowerin Audit & Risk Committee, as revised and presented in Attachment 11.1A;**
 - b. **Shire of Dowerin Asset & Works Committee, as presented in Attachment 11.1B;**
 - c. **Shire of Dowerin Bush Fire Advisory Committee, as presented in Attachment 11.1C;**
 - d. **Shire of Dowerin Local Emergency Management Committee, as presented in Attachment 11.1D; and**
3. **Appoints the following Councillors as representatives to the following Council committees:**

Committee	Representatives
Audit & Risk Committee	Members: Cr _____ Cr _____ Cr _____ Deputies: Cr _____
Asset & Works Committee	Members: Cr _____ Cr _____ Cr _____ Deputies: Cr _____

Dowerin Bush Fire Advisory Committee	Members: Cr _____ Cr _____ Deputies: Cr _____
Dowerin Local Emergency Management Committee	President Deputies: Cr _____
Australia Day Honours Committee	Members: Cr _____ Cr _____ Deputies: Cr _____

11.2 Nomination for External Committees

Governance & Compliance



Date:	30 October 2023
Location:	Not applicable
Responsible Officer:	David Singe, Chief Executive Officer
Author:	Kahli Rose, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	Organisation/Governance/Committees/Council Committee General File
Disclosure of Interest:	Nil
Attachments:	Attachment 11.2A - GECZ Call for Nominations

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This Item seeks nominations from Councillors for various external committees on which Council is represented and a Council resolution on those appointments.

Background

The Shire of Dowerin is currently represented by Councillors on the following external committees:

Committee	Purpose	Meeting Cycle	Previous Membership
North Eastern Wheatbelt Regional Organisation of Councils (NEWROC)	<ol style="list-style-type: none"> To arrange and facilitate members working together cooperatively to address regional problems, issues or challenges and advance the interests of the region; Developing and implementing resource sharing strategies or regional service delivery models; Delivery of training and development programs for elected members or staff; and Undertaking joint tendering or purchasing arrangements. 	Bi-monthly alternating among Member Councils.	President CEO Cr Ward (Deputy)
WALGA Great Eastern Country Zone (GECZ)	<ol style="list-style-type: none"> To provide a united voice for Local Governments in the GECZ; To work collectively to enhance the sustainable social, environmental and economic development of the GECZ at strategic and project levels; 	Bi-monthly alternating between Merredin and Kellerberrin.	President Cr Hudson CEO Cr Ward (Deputy)

	<ol style="list-style-type: none"> 3. To promote the profile of Local Government within the region encompassed within the GECZ; 4. To speak on behalf of Local Governments in the GECZ; 5. To elect, nominate and appoint Committees and representatives of the Zone to other organisations, 6. To enter into agreements, formal or informal, with organisations having similar aims and objectives, 7. To represent the views of Local Governments within the GECZ at the State Council of the Association; 8. To do all and any such other things as in the opinion of the Zone may conveniently be carried on by the Zone or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the Zone; and 9. To use the property and income of the Zone solely for the promotion of the objects or purposes of the Zone. No part of the property or income of the Zone may be paid or otherwise distributed, directly or indirectly, to members of the Zone, except in good faith in the promotion of those objects or purposes. 		
Kellerberrin Regional Road Group	<ol style="list-style-type: none"> 1. To allocate State Government Road Funding. 2. To lobby the State on issues effecting roads and road funding in the region. 	2-3 times per annum in Kellerberrin, Tammin or Cunderdin	Cr Metcalf Cr Hagboom (Deputy)
Goomalling Medical Surgery Advisory Committee	To provide input into the management and operation of the medical surgery based on the Shire's contribution of 33% (up to a maximum of \$25,000) per annum.	Bi-annually in Goomalling	Cr Ward Cr Sewell CEO Cr Trepp (Deputy)
Dowerin Events Management	<ol style="list-style-type: none"> 1. For community service purposes to benefit any one or more of the communities within the Dowerin District community, including promoting, providing and carrying out all activities, facilities and projects for the benefit or welfare of the Dowerin District community, or any member or members of the Dowerin District who have a particular need by reason of youth, age, infirmity or disablement, poverty, social or economic circumstances. 2. To organise and conduct field days, to promote agricultural education & professions and the display of farming services, machinery equipment, vehicles, and allied products and to organise other displays and 	Monthly	Cr Sewell Cr Trepp (Deputy)

	<p>events including such activities offering cultural, social and community orientated programs.</p> <p>3. To do all things necessary and generally for the purposes set out above, including to assume and maintain the conduct and operation of the Association, to maintain all assets of the Association, to arrange other activities offering cultural, social and community oriented programs to own and lease land, to provide recreation facilities, buildings, accommodation and other resources for the benefit of any one or more of the communities within the Dowerin District, as deemed appropriate by the Board from time to time.</p>		
Rural Water Council of WA	Further information on the Rural Water Council was not provided at the time of production.	3 Meetings per annum	Cr Hagboom

Comment

In accordance with Section 5.11 of the *Local Government Act 1995* (the Act) committee tenure expires every two years at the ordinary election therefore it is timely for Council to consider the representatives to external committees at the first meeting after the elections.

The Officer's Recommendation is to maintain representation on the above-mentioned committees given that Council has committed to three of these committees by way of an MoU and/or subscription and that representation is included as a condition of the MoUs; with the Kellerberrin Regional Road Group making determinations on significant regional road funding.

Nominations for each committee will be called at the meeting.

To assist Councillors with determining if they can participate in these committees the following information is provided regarding the meeting schedule and suggested time requirements:

1. NEWROC: Meets bi-monthly on Tuesday afternoons - 1.00pm alternating among the NEWROC members Councils. Preparation and pre-reading approx. 2 hours per meeting.
2. Kellerberrin Regional Road Group: Meets 2-3 times per annum in Kellerberrin, Tammin or Cunderdin for approx. 1 hour. Preparation and pre-reading approx. 2 hours. Cr Hudson is the current Chair of this committee with the MWA providing executive support to the committee.
3. Great Eastern Zone - WALGA: Meets bi-monthly in Merredin or Kellerberrin. Preparation and pre-reading up to 4 hours per meeting. The Prospectus provides additional information on WALGA, its Zones and State Council and is included as an Attachment.
4. Goomalling Medical Surgery Advisory Committee - Meets twice per annum in Goomalling. Preparation and pre-reading less than 1 hour per meeting.
5. Rural Water Council - meets three times per annum, with the location varied. These have previously been held in Merredin, Cunderdin, Northam or via Zoom. Preparation and pre-reading less than 1 hour per meeting.

Consultation

Nil

Policy Implications

Nil

Statutory Implications

Sections 5.10 and 5.11 of the *Local Government Act 1995* stipulates the manner for the appointment of committee members and deputies to committees. An Absolute Majority resolution of Council is required.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively managed Local Government.

Outcome: 5.2 & 5.3

Reference: 5.2.1 & 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Given that Council makes a financial contribution to these organisations, representation on committees ensures that the Shire of Dowerin’s view is considered in any decision-making and mitigates the risk of decisions being contrary to the views of this Council.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer’s Recommendation – 11.2

That, by Absolute Majority in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Council appoints the following Councillors as representatives to the following external committees:

Committee	Representatives
North Eastern Wheatbelt Regional Organisation of Councils (NEWROC)	Members: Cr _____ CEO Deputy: Cr _____
WALGA Great Eastern Country Zone (GECZ)	Members: Cr _____ Cr _____ CEO Deputy: Cr _____

Kellerberrin Regional Road Group	Members: Cr _____ Deputy: Cr _____
Goomalling Medical Surgery Advisory Committee	Members: Cr _____ Cr _____ CEO Deputy: Cr _____
Dowerin Events Management	Members: Cr _____ Deputy: Cr _____
Rural Water Council	Members: Cr _____

12.	Closure
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