



# **MINUTES FOR THE SPECIAL COUNCIL MEETING**

**20 NOVEMBER 2019**

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**AGENDA FOR THE SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON  
20 NOVEMBER 2019 COMMENCING AT 3.15PM**

**1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Chief Executive Officer, in the absence of an elected Presiding Member, declared the meeting open at 4:30pm and welcomed all in attendance.

**2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE  
COUNCILLORS**

GJ Cosgrove	President	Town Ward
RW Newton	Deputy President	Rural Ward
JD Bagley	Councillor	Rural Ward
CV Farr	Councillor	Town Ward
HR McTaggart	Councillor	Rural Ward
HM Newton	Councillor	Town Ward
AR Smyth	Councillor	Town Ward

**APOLOGIES**

Nil.

**STAFF**

N Hay	Chief Executive Officer
J Clapham	Finance Manager
E Greaves	Governance Officer

**3.0 ELECTION OF SHIRE PRESIDENT**

The CEO called for nominations for the position of Shire President. Two nominations were received in writing at the meeting (no nominations were received prior to the meeting): from Cr Helen Newton and Cr Gary Cosgrove.

Ballot papers were prepared and issued for a vote to be conducted by secret ballot by the CEO, as Returning Officer. The results were as follows:

<b>Candidate</b>	<b>Number of Votes</b>
Cr Helen Newton	3
Cr Gary Cosgrove	4

The CEO declared Cr Gary Cosgrove elected as Shire President with the term expiring 16 October 2021.

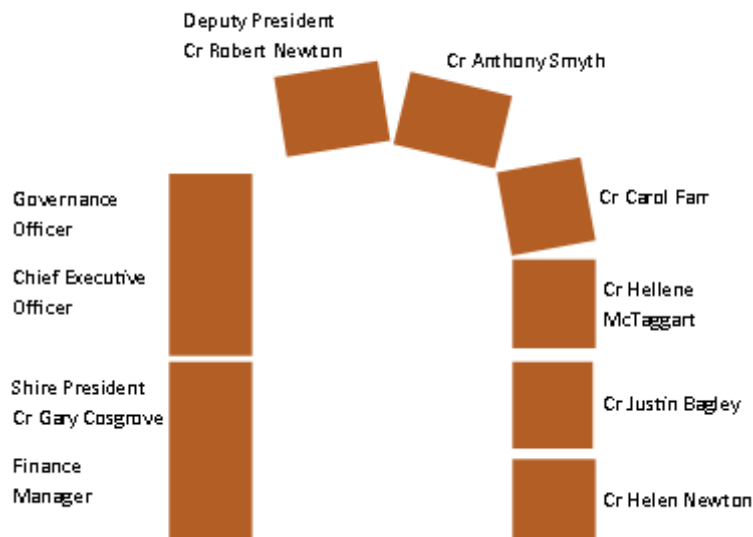
**4.0 ELECTION OF THE DEPUTY SHIRE PRESIDENT**

The CEO called for nominations for the position of Deputy President. One nomination was received in writing at the meeting (no nominations were received prior to the meeting) from Cr Robert Newton.

No further nominations were received. Therefore, Cr Robert Newton was elected unopposed as Deputy President.

## 5.0 COUNCILLOR SEATING ALLOCATION

Councillor seating allocations were allotted by random draw in accordance with the figure below, with the Shire President and Deputy President seats fixed.



Cr Gary Cosgrove and Cr Robert Newton read aloud and signed the Declaration by Elected Member of Council (Form 7), Local Government (Constitution) Regulations 1998, section 13(1)(c) witnessed by Nils Hay, Chief Executive Officer.

Cr Gary Cosgrove took up the seat of Shire President and presided over the remainder of the meeting.

## 6.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

Nil.

## 7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

## 8.0 DECLARATIONS OF INTEREST

Nil.

## 9.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER

### 9.1 APPOINTMENTS FOR SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>File Reference:</b>	ADM0303
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	4 November 2019
<b>Author:</b>	Erin Greaves
<b>Authorising Officer:</b>	Nils Hay, Chief Executive Officer
<b>Voting Requirements:</b>	Absolute Majority

#### Summary

Following the recent ordinary local government elections, Council are required to review and appoint Council representatives to the various Council, industry and community Committees. Whilst it is proposed that these appointments will be put to Council at the November Ordinary meeting, the appointments to the Audit & Risk Committee are required in order for a meeting of the Committee to be convened prior to the Ordinary meeting.

#### Key Points

- Appointments of Elected Members expire after each ordinary election or as per s5.11 of the Local Government Act 1995
- The Shire of Mingenew Audit & Risk Committee Terms of Reference require that the Committee consists of at least four members (three elected members and one external person)
- The CEO and employees are not to be members but may attend to provide information/advice/guidance to the Committee
- A quorum shall consist of at least 50% of the number of offices of committee members, unless a reduction is approved by Council under s5.15 of the *Local Government Act 1995*
- External persons appointed to the Committee will have business or financial management/reporting knowledge and experience and be conversant with financial and other reporting requirements.
- Appointments of external independent persons will be made following a public advertisement and be for a maximum term of two years. The evaluation of potential members will be reviewed by the CEO and appointments will be approved by Council.
- This Committee does not have delegated authority to make decisions on behalf of Council but it may make recommendations to Council.
- A presiding member for the Committee may be elected by members of the Committee at a Committee meeting

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 9.1 - Resolution S20111901**

**Moved: Cr AR Smyth**

**Seconded: Cr HM Newton**

**That Council appoints the following members to the Shire of Mingenew Audit & Risk Committee: Cr HR McTaggart, Cr AR Smyth, Cr RW Newton and confirms Mr M Battilana's appointment as an independent member (appointed by Council 20 March 2019 Resolution 20031910).**

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

## **Attachments**

### 6.1.1 Audit & Risk Committee Terms of Reference

## **Background**

Traditionally, Committee appointments are made at the first ordinary meeting of Council following a Local Government Ordinary Election. However, this year the next meeting is not scheduled until a month after the elections.

## **Comment**

In order to consider the Shire's Annual Report, Annual Financial Report and results of the Regulation 17 Audit, the Audit & Risk Committee is meeting just prior to the 20 November 2019 Ordinary Council meeting, at which it may make recommendations to Council for consideration at that meeting later in the day. Therefore, the appointment of elected members must be made before holding this meeting.

## **Statutory Environment**

*Local Government Act 1995*

### **5.8. Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

### **5.9. Committees, types of**

- (1) *In this section —*  
*other person means a person who is not a council member or an employee.*
- (2) *A committee is to comprise —*
- (a) *council members only; or*
  - (b) *council members and employees; or*
  - (c) *council members, employees and other persons; or*
  - (d) *council members and other persons; or*
  - (e) *employees and other persons; or*
  - (f) *other persons only.*

### **5.10. Committee members, appointment of**

- (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.*

**5.12. Presiding members and deputies, election of**

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
- (a) *to "office" were references to "office of presiding member"; and*
  - (b) *to "council" were references to "committee"; and*
  - (c) *to "councillors" were references to "committee members".*
- (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
- (a) *to "office" were references to "office of deputy presiding member"; and*
  - (b) *to "council" were references to "committee"; and*
  - (c) *to "councillors" were references to "committee members"; and*
  - (d) *to "mayor or president" were references to "presiding member".*

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Community Strategic Plan:

Strategy 1.2.2 Enhance open and trusting communication between Council and the community, and deliver high quality services in partnership with external stakeholders

**10.0 CLOSURE**

The meeting was declared closed at 3.31pm.

**These minutes were confirmed at an Ordinary Council meeting on 18 December 2019.**

**Signed** \_\_\_\_\_  
**Presiding Officer**

**Date:** \_\_\_\_\_