



MINUTES OF THE SPECIAL COUNCIL MEETING

20 OCTOBER 2021

TABLE OF CONTENTS

1.0	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	3
2.0	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	3
3.0	ELECTION OF SHIRE PRESIDENT	3
4.0	ELECTION OF THE DEPUTY PRESIDENT	3
5.0	COUNCILLOR SEATING ALLOCATION	4
6.0	PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME	4
7.0	APPLICATIONS FOR LEAVE OF ABSENCE	4
8.0	DECLARATIONS OF INTEREST	4
9.0	CHIEF EXECUTIVE OFFICER.....	5
9.1	APPOINTMENT OF COMMITTEE DELEGATES.....	5
10.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	12
11.0	CONFIDENTIAL ITEMS.....	12
12.0	TIME AND DATE OF NEXT MEETING	12



**MINUTES OF THE SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON
20 OCTOBER 2021 COMMENCING AT 5.30PM**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chief Executive Officer opened the meeting at 5.30pm and presided over the meeting until the Shire President Election results were declared.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillors

Cr GJ Cosgrove	Shire President
Cr JD Bagley	Councillor
Cr CV Farr	Councillor
Cr HR McTaggart	Councillor
Cr GF Pearse	Councillor
Cr AR Smyth	Councillor

Staff

Mr Nils Hay	Chief Executive Officer
Mr Jeremy Clapham	Manager Finance and Administration
Ms Erin Greaves	Manager Governance and Community

Prior to the Election commencing, Councillors-elect Cr AR Smyth and Cr GF Pearse made the declaration in accordance with s.2.29 of the Local Government Act 1995.

3.0 ELECTION OF SHIRE PRESIDENT

The CEO called for nominations for Shire President.

One nomination was received from CR JD Bagley for Cr GJ Cosgrove for Shire President at the close of nominations. As there were no other nominations, Cr GJ Cosgrove was elected Shire President unopposed.

Cr GJ Cosgrove made the declaration of office.

Cr GJ Cosgrove took over as Presiding Member.

4.0 ELECTION OF THE DEPUTY PRESIDENT

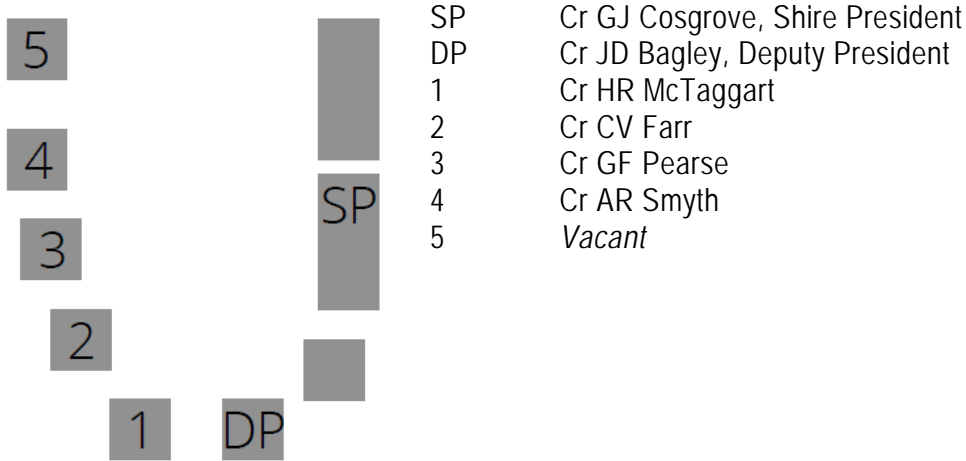
Cr GJ Cosgrove called for nominations for Deputy President.

One nomination was received from Cr CV Farr for Cr JD Bagley for Deputy President at the close of nominations. Cr JD Bagley confirmed acceptance of the nomination and, as there were no other nominations, Cr JD Bagley was elected Deputy President unopposed.

Cr JD Bagley made the declaration of office.

5.0 COUNCILLOR SEATING ALLOCATION

Other than the fixed seating positions for President and Deputy President, Councillor seating positions were allotted by random draw by the CEO (as outlined in the below diagram of the Council Chambers), including the remaining vacant position.



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 CHIEF EXECUTIVE OFFICER

9.1 APPOINTMENT OF COMMITTEE DELEGATES

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	GV.CMT.5
Disclosure of Interest:	Nil
Date:	15 October 2021
Author:	Erin Greaves, Governance & Community Manager
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Absolute Majority / Simple Majority

Summary

Council is asked to nominate and appoint members to Council's Committees and the various organisations that have Council representation.

Key Points

- The Shire President and Chief Executive Officer reserve the right to attend any meeting
- The Shire of Mingenew Executive Management Committee is the only Committee of Council with delegated authority.
- The Audit & Risk Committee has statutory functions under the Local Government Act 1995
- The list of Committees and groups within the recommendation are based on previous appointments made by Council. It is up to Council to consider if the same level of Council representation is relevant and whether a reduction or increase to appointments are necessary
- One new Working Group is proposed for considering future expansion plans of the Mingenew CBH facility (not a formal Committee of Council)
- Appointments will be distributed among the current Councillors (6) and Council may reconsider the appointments following the outcome of the upcoming extraordinary election

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1 – RESOLUTION# 01201021S

MOVED: Cr AR Smyth SECONDED: Cr CV Farr

That Council:

1. **By Absolute Majority, appoints the following members to the Shire of Mingenew's Committees of Council:**

SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

Cr HR McTaggart, Cr AR Smyth and Cr GF Pearse, Cr GJ Cosgrove and an Independent Member (to be appointed following the recently instigated recruitment process for filling the vacancy).

SHIRE OF MINGENEW BEHAVIOUR COMPLAINTS COMMITTEE

Cr JD Bagley, Cr AR Smyth and Cr CV Farr, and Cr GF Pearse, Cr HR McTaggart and Cr GJ Cosgrove, as proxy delegates.

SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE

Cr JD Bagley, and Cr GF Pearse as proxy delegate.

SHIRE OF MINGENEW EXECUTIVE MANAGEMENT COMMITTEE

Cr GJ Cosgrove, Cr HR McTaggart and Cr JD Bagley, and Cr AR Smyth as proxy delegate.

SHIRE OF MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE / LOCAL RECOVERY COORDINATION GROUP

Cr AR Smyth, the Chief Executive Officer (or his/her nominee), and Cr CV Farr as proxy delegate.

2. Delegates the following members to represent Council on community-run committees:

MINGENEW COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE

Cr HR McTaggart and the Community Development Officer, and Cr CV Farr as proxy delegate.

MINGENEW SILVER CHAIN BRANCH COMMITTEE (*Councillor delegate considered not required*)

Community Development Officer

MINGENEW TOURIST AND PROMOTIONS COMMITTEE (*Councillor delegate considered not required*)

Community Development Officer

3. Delegates the following members to represent the Shire of Mingenew on external committees and groups:

JOINT DEVELOPMENT ASSESSMENT PANEL

Cr GJ Cosgrove and Cr JD Bagley, and Cr GF Pearse and Cr CV Farr as proxy delegates.

MID-WEST REGIONAL ROAD GROUP

Cr GJ Cosgrove and Cr JD Bagley, and Cr AR Smyth as proxy delegate.

NORTHERN COUNTRY ZONE OF WALGA

Cr GJ Cosgrove and Cr HR McTaggart, and Cr GF Pearse as proxy delegate.

WILDFLOWER COUNTRY INC.

Cr CV Farr and the Community Development Officer, and the Chief Executive Officer as proxy delegate.

4. a) Establishes a CBH Expansion Project Working Group for the purpose of reviewing information and liaising with CBH on expansion plans of the Mingenew's CBH facility including the future layout, associated road / traffic matters and, design and development processes that impact the Mingenew community; and
b) Appoints the following members to the Working Group:

SHIRE OF MINGENEW CBH EXPANSION PROJECT WORKING GROUP

Cr JD Bagley, Cr GJ Cosgrove, the Chief Executive Officer and Cr AR Smyth as proxy delegate.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Attachments

- 9.1.1 Audit & Risk Committee Terms of Reference
- 9.1.2 Bushfire Advisory Committee Terms of Reference
- 9.1.3 Local Emergency Management Committee Terms of Reference
- 9.1.4 Behaviour Complaints Committee Terms of Reference
- 9.1.5 Local Recovery Coordination Group Terms of Reference
- 9.1.6 Terms of Reference for Elected Member Representation on External Committees / Groups

Background

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 20 October 2021

At the Ordinary Council meeting on 13 October 2021, Council resolved to hold a Special Council Meeting for the purpose of considering Elected Member representation appointments. It is necessary to make these appointments following each local government election.

Following the 2021 ordinary local government election process, one position on Council remains vacant. An Extraordinary Election is to be held to fill the position and any appointments for the new Councillor can be considered after the Election. In the meantime, it is recommended that Council fill the Council representative positions to ensure Council can effectively be represented and there are no unnecessary delays to holding a meeting if required between now and the Extraordinary Election outcome.

Comment

A summary of the purpose of each Committee and any additional information that may be pertinent is provided below:

Audit & Risk Committee (ARC)

The primary objective of the Audit and Risk Committee "the Committee" is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its statutory and fiscal affairs.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The Committee will ensure transparency in the Local Government's reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's systems and processes.

The Terms of Reference require that the Committee will consist of at least four members, including an independent member although it has been Council's past practice to have four Elected Members on the Committee plus an independent member.

Behaviour Complaints Committee (BCC)

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Local Government Act 1995 (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Mingenew's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The Terms of Reference for this Committee require at least three Council Members to be appointed and at least 3 proxy members. This ensures flexibility in Council Member attendance should the Committee be required to meet, as it will depend on who the complaint refers.

Executive Management Committee (EMC)

The Executive Management Committee is purposed with coordinating and undertaking the CEO Performance Review each year. This Committee has delegated powers in accordance with s5.16 and s5.38 of the *Local Government Act* and R18D of the *Local Government (Administration) Regulations 1996* to "Review the performance of the Chief Executive Officer at least once in relation to every year of employment.". This authority is conditional on the following:

1. Authority is subject to the Local Government Act 1995 and its associated Regulations.
2. The review and report are to be presented to Council for acceptance [of the review], with or without modification, or to reject the review.

Council have authorised the Committee, in consultation with the CEO, to:

- Set the date of the Performance Review; and

- Determine if an external facilitator is to be engaged to assist with future performance reviews and be involved in the selection of that third party.

Local Emergency Management Committee (LEMC)

The LEMC has been established in accordance with s38(1) of the *Emergency Management Act 2005* for the purpose of making the Shire of Mingenew a safe community by managing the risk of emergencies through the delivery and implementation of emergency prevention, preparedness, response and recovery strategies.

The Terms of Reference set out the specific objectives of the Committee and other management details.

Voting membership consists of one Councillor representative endorsed by Council.

The LEMC was suspended in 2021 in lieu of holding Local Recovery Coordination Group meetings for the purposes of recovery following Cyclone Seroja. Council may wish to make the delegates for each committee the same.

Local Recovery Coordination Group (LRCG)

The Shire of Mingenew Local Recovery Coordination Group (LRCG) has been established following the significant and widespread impacts caused by Severe Tropical Cyclone Seroja (STC Seroja) on 11 April 2021.

The LRCG is an advisory body for recovery and, in conjunction with the Local Recovery Coordinator, the LRCG will assist to develop and coordinate local level recovery activities. Its purpose is to assist in the management of the impact of STC Seroja on the 11th of April 2021. The LRCG is focused on supporting community recovery from the impact of STC Seroja in the Shire of Mingenew from the perspective of built, natural, social and economic environments.

CBH Expansion Project Working Group

This is a new group, included to enable Council to review and keep informed of any plans and information relevant to the future expansion of the Mingenew CBH facility to ensure that community impacts and priorities are considered and communicated.

This is not a formal Council Committee, but a working group which will report back to Council as required.

Mingenew Community Resource Centre Management Committee (CRCMC)

The Mingenew Community Resource Centre (CRC) Management Committee oversees the management of the Mingenew CRC and is not a Committee of Council.

Council have previously provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Mingenew Silver Chain Branch Committee (MSCBC)

The Mingenew Silver Chain Branch Committee supports the local Silver Chain through in-kind and financial assistance to improve and renew equipment and services of the local branch.

Council have provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 20 October 2021

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Mingenew Tourist and Promotions Committee

The Mingenev Tourist and Promotions (T&P) Committee are a *"not-for-profit organisation comprised of community-minded volunteers who take pride in the appearance of our town and work to ensure that it is an appealing place to live, work and visit."* The T&P have not had Committee numbers to hold regular meetings this year but Council representative is sought on the presumption that the Committee may resume in the near future.

This Committee has previously outlined a desire to work with the Shire to meet its strategic objectives and achieve its aim: *"to put our Shire on the map by giving visitors a memorable experience while here and showcasing Mingenev as an appealing place to live. First impressions are the most lasting impressions, so the town's appearance has to be a top priority. We aim to promote our natural and manmade environment to attract visitors all year round not just during the wildflower season"*. The Committee have requested that a Councillor representative be appointed to the Committee to facilitate discussion at a Council level on projects and ideas.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Joint Development Assessment Panel (JDAP)

A Joint Development Assessment Panel (JDAP) is made up of specialist and local government members and are established to determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

There are 8 JDAPs in Western Australia with the Shire of Mingenev being members of the Mid-west/Wheatbelt region. Local members are members of a local government council who are nominated by that local government to sit on a DAP. Local governments are required to nominate two councillors as local members, and two deputy local members to be called on if an issue of quorum arises. The Minister will appoint the local government representatives in accordance with the local government's nomination.

Should the local government fail to nominate four representatives, the Minister has the power to appoint two alternative community representatives to ensure local representation is always present on a panel. The regulations require that these alternate representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

An information booklet has been provided as an attachment should Councillors and members of the community wish to learn more about Development Assessment panels and their role.

Mid-West Regional Road Group

There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to SAC in relation to the Annual Local Government Roads Program for their Region and any other relevant issues.

The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA. RRGs are important in providing Local Government with a voice in how the State Government's contribution to local roads is spent. Regional Road Group members serve a vital and valuable role in ensuring that road funding decisions maximise community benefits and preserve and improve the road system across Western Australia. The RRG is also responsible for reviewing the Restricted Access Vehicle (RAV) network.

Most decisions of this Committee are made by consensus and only one Council representative has voting rights. Council representatives are expected to keep Council informed of the business and decisions made by the Regional Road Group.

Northern Country Zone of WALGA

State Councillors are elected to State Council from one of 17 Zones, which are groupings of Local Governments convened together on the basis of population, commonalities of interest and geographical alignment. Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State decision making table, they are a key player in developing policy and legislative initiatives for Local Government.

Zone delegates are elected or appointed to represent their Council on the Zone and make decisions on their Council's behalf at the regional level. In fulfilling their role as Council's delegate, the Zone delegate should give regard to their Council's positions on policy issues. There is also an expectation that Zone delegates will report back to their Council about decisions made by the Zone.

WALGA have requested that they be notified of Elected Member delegates and deputy delegates to the Zone no later than Friday 5 November 2021. This will enable the Zone to elect WALGA State Council representatives. The Northern Country Zone (NCZ) will appoint its office bearers (President, Deputy President and State Council representative and Deputy) at the next NCZ meeting on 22 November 2021.

Please [click here](#) to view WALGA's Elected Member Prospectus. This document will assist in providing further information on becoming a Zone Delegate or State Councillor.

Wildflower Country Inc.

Western Australia's Wildflower Country is the collective group of nine local government areas located just north of Perth in Western Australia; Carnamah, Coorow, Dalwallinu, Greater Geraldton – including Mullewa, Moora, Morawa, Mingenew, Perenjori and Three Springs.

The purpose of Wildflower Country Incorporated is to promote this beautiful region as a unique and captivating tourism destination, for the collective mutual benefit of the entire Wildflower Country region. Wildflower Country assists with collaborative destination marketing, and in producing memorable and positive visitor experiences, as well as assisting to develop the tourism industry within the area.

Each local government is entitled to one voting representative.

Statutory Environment

Local Government Act 1995

Local Government (Administration) Regulations 1996

Emergency Management Act 2005

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Community Strategic Plan:

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

Strategy 1.3.2 Provide services and processes to enhance public safety

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 20 October 2021

10.0 **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
Nil.

11.0 **CONFIDENTIAL ITEMS**
Nil.

12.0 **TIME AND DATE OF NEXT MEETING**
Next Ordinary Council Meeting to be held on Wednesday 17 November 2021 commencing at 4.30pm.

13.0 **CLOSURE**
The meeting was closed at 5:52pm.

These minutes were confirmed at an Ordinary Council meeting on 17 November 2021.

Signed _____
Presiding Officer

Date: _____