



Shire of
Exmouth

Special Council Meeting
Minutes
22 October 2013

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 21st November 2013 as a true and accurate record of the Special Council Meeting held on 22nd October, 2013.

.....
C (Turk) Shales
Shire President

All attachment items referred to in these minutes are available for public perusal at the Shire office


DISCLAIMER

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

Please note this agenda contains recommendations which have not yet been adopted by Council.

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Signed at Exmouth  (B Price), Chief Executive Officer Shire of Exmouth

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SPECIAL COUNCIL MEETING MINUTES

Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

Our Purpose

To responsibly provide governance for the whole community in the best interest of current and future generations

Our Strategic Objectives

- ❖ To provide sustainable management of the organisation
- ❖ To consistently apply the principles of Good Governance
 - ❖ To communicate effectively
 - ❖ To promote socioeconomic development
 - ❖ To value our environment and heritage

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Chief Executive Officer, acting as the Presiding Member in the absence of a Shire President, declared the meeting open at 3.00pm.

2. **RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

Councillor M Hood
Councillor G Thompson
Councillor elect C (Turk) Shales
Councillor elect R Todd
Councillor elect R Winzer
Councillor elect S McHutchison
Mr B Price
Mrs S O'Toole
Mrs J Kox
Mr R Kempe
Mr R Manning
Mr R Mhasho
Mr K Woodward

Chief Executive Officer
Executive Manager Corporate Services
Executive Manager Aviation Services
Executive Manager Community Engagement
Executive Manager Health & Building
Executive Manager Town Planning
Executive Manager Engineering Services

GALLERY

Visitors:

2

APOLOGIES

Nil

LEAVE

Nil

3. DECLARATIONS, OATHS OR AFFIRMATIONS OF ALLEGIANCE

The Chief Executive Officer performed the formal duty of inducting the newly elected Councillors into office.

Those Councillors sworn and who made their Declaration of Office were: -

Cr R (Bob) Todd
Cr R (Ross) Winzer
Cr S (Suzanne) McHutchison
Cr C (Turk) Shales

4. ELECTION OF SHIRE PRESIDENT

The Local Government Act 1995 (Sections 2.11 to 2.15 and Schedules 2.3 and 4.1) outlines procedures for the election process for the Shire President and Deputy Shire President. In each case the following procedures have to be adhered to:-

- i) The election for the Shire President is conducted by the Chief Executive Officer. The election for the Deputy Shire President is conducted by the (newly elected) Shire President.
- ii) Nominations for Shire President and Deputy Shire President must be given in writing-
 - a) nominations for Shire President must be given in writing to the Chief Executive Officer,
 - b) Nominations for Deputy Shire President must be given in writing to the Shire President.
- iii) If a Councillor is nominated by another Councillor, the Chief Executive Officer or Shire President (as the case may be) is NOT to accept the nomination unless the nominee has advised the Chief Executive Officer or Shire President orally or in writing that he or she is willing to be nominated for the office.
- iv) Councillors are to vote on the nominations by secret ballot just as they would at any Council election. Councillors who have accepted nomination are entitled to cast a vote just the same as those Councillors not nominated.
- v) Votes are counted by the Chief Executive Officer on the basis of "first past the post" and the candidate with the highest number of votes is declared elected.
- vi) If there is an equality of votes, the meeting is adjourned for a period of not more than 7 days.
- vii) During the 7 day period up until the adjourned meeting resumes, existing candidates may withdraw their nominations or new nominations can be made (provisions still apply in relation to written nominations and willingness to accept nominations where the nominee is not the nominating person).
- viii) Upon resumption of the adjourned meeting, Councillors all vote for a second time and if there is a clear winner that person is declared.
- ix) If upon the second count there is still an equality of votes, the Chief Executive Officer is to draw lots to ascertain a winner.

4.1 Taking of the Oath of Allegiance and Declaration of Office of Shire President.

The Chief Executive Officer declared the position vacant and called for nominations in writing for the position of Shire President in accordance with the procedures and requirements of the Local Government Act 1995. Councillor Shales had provided a nomination for himself in writing.

As there were no further nominations the Chief Executive Officer declared Councillor Shales duly elected to the position of Shire President for the next 2 years.

The Chief Executive Officer performed the formal duty of swearing in Cr Shales as the newly elected Shire President, with Cr Shales stating and signing the Declaration of Office.

The Chief Executive Officer handed over proceedings to the Shire President.

5. ELECTION OF DEPUTY SHIRE PRESIDENT

The same method of nomination applies for the position of Deputy Shire President as does the counting of votes except that the newly elected Shire President will take the Chair for the process.

5.1 Taking of the Oath of Allegiance and Declaration of Office of Deputy Shire President.

Cr Shales assumed the chair as Shire President and called for nominations for the position of Deputy President. Councillor Hood and Councillor Todd both provided a nomination for Deputy President in writing.

As there were two (2) nominations the Shire President informed Councillors of the need to vote and handed voting papers to each Councillor. The Chief Executive Officer collected the votes.

The results were as follows:

Cr Hood	4 Votes
Cr Todd	2 Votes

The Shire President declared Councillor Hood duly elected to the position of Deputy Shire President for the next 2 years and performed the formal duty of swearing in Cr Hood, with Cr Hood stating and signing the Declaration of Office.

6. PUBLIC QUESTIONS TIME

In accordance with section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

Nil

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President thanked fellow Councillors for their support in his nomination as President. He informed that he is very excited and passionate about being Shire President again. He informed that the team of managers at the Shire are excellent and he looks forward to working with them for the next 2 years.

He also congratulated the new Councillors on their election to Council and looks forward to working together during this exciting time for Exmouth.

9. DRAW FOR THE COUNCILLORS POSITIONS AT THE COUNCIL TABLE

Arrangements took place for Councillors positions at the Council table. The Deputy President's seat is allocated on the left side of the President's seat.

10. REPORTS OF OFFICERS

10.1 Chief Executive Officer

10.1.1 Formation of Council Committees

Location: Exmouth
 Applicant: Bill Price
 File Reference: GV.CO.2
 Disclosure of Interest: Nil
 Date: 18 October 2013
 Author: Chief Executive Officer, Bill Price

Signature: 

SUMMARY

The report recommends that Council endorses the proposed committee structure and allocates Council representatives to those Committees.

BACKGROUND

Council Committees, often referred to as “Occasional Committees”, generally meet on an as needs basis or each month, depending on the time of year or issues at hand.

These Committees do not have authority to make any decisions of Council, but can make recommendations to Council. The only exception to this is where a Committee is specifically given delegated authority of Council. Often these Committees use the term “Advisory Committee” to clearly identify that they must refer any recommendations to Council for endorsement.

These Committees are formed to address a targeted area of interest or need, and often include a mix of Councillors, staff and community members.

Council has in the past nominated numerous Occasional Committees, but in practise they have been mainly dormant with issues being handled by the majority of the Council. As Council now operates with only six (6) elected members, it is felt that the bare requirement of Committees be established with the majority of issues being directed through the ordinary Council or if considered urgent, the calling of special meetings. Below is a list of the recommended committees for Council.

1. Audit Committee

In the past this Council Committee has been comprised of all 6 Councillors.

This Committee has been formed to fulfil the requirements of the Local Government Act by having an Audit Committee which provides an independent oversight of the financial systems of a local government.

2. Ningaloo Centre Project Steering/Management Committee

This is the major project for the Council over the next couple of years and it is required that a Steering/Management Committee be established to assist in the project management requirements of the project. It is recommended that the committee comprise of 3 Councillors (inclusive of the Shire President).

Other representation on the Committee will consist of CEO, Strategic Projects Officer (SPO), Executive Manager Community Engagement (EMCE), Executive Manager Corporate Services (EMCS), GDC, Durack, Ningaloo Alliance and DRD representatives.

COMMENT

Occasional Committees:

In making appointments to a Committee, Council should bear in mind the right of any Councillor to be a member of at least one Committee and should also consider the optimum Committee numbers, shared work load and relevant skills or experience that a Councillor can bring to a Committee.

With the creation of Committees comes the requirement to administer that Committee in accordance with the requirements of the Local Government Act. This takes resources which can sometimes be better utilised in other areas of Council administration. In addition to administration resources required, both Councillors and members of the public have limited availability to attend meetings.

For the above reasons, it is recommended that all of Council's Committees continue to only meet on an as needs basis.

STATUTORY ENVIRONMENT

All Committees are established under provisions of Sections 5.8 to 5.18 of the local Government Act 1995.

Council is able to establish Committees of 3 or more by **ABSOLUTE MAJORITY** vote of the Council (all Committees whether new or re-established ones must be "created" by absolute majority) and Committees may comprise:-

- a) Councillors only,
- b) Councillors and employees,
- c) Councillors, employees and other persons,
- d) Councillors and other persons,
- e) Employees and other persons,
- f) Other persons only.

When creating Committees of a (a) and or (b) type above, the committees are to have as its members-

- i) Persons appointed by **ABSOLUTE MAJORITY** of the Council,
- ii) The Shire president if he/she advises the Council at the time of appointment of the Committee his/her wish to be a member of the Committee,
- iii) The Chief Executive Officer or his representative if at the time of appointing the Committee the Council decides that it wants to have employees as members of the Committee and it is the Chief Executive Officers wish to be a member of the Committee.

At any given time each Councillor is entitled to be a member of at least one Committee of the (a) and (b) type mentioned above and if a Councillor nominates him/herself to be a member of such a committee or committees, the Council is to appoint that Councillor to at least one of the Committees as the Council decides.

Explanation: If Council has two Committees of the (a) and/or (b) types, and a Councillor nominates to go on 1 of those Committees, the Councillor must be appointed to that Committee. However if the Councillor nominates to go on both of those Committees, the Council can decide which Committee the Councillor is appointed to (it could be both or only one depending on the circumstances, e.g. number of nominations received for the Committees).

APPOINTMENT OF COMMITTEE DEPUTIES:

Section 5.10(3) of the Local Government Act 1995 confers, vide Section 52 of the Interpretations Act 1984, the power for Council to appoint Deputies in cases where the appointed Councillor cannot act, however the "cause" for being unable to perform Council functions is limited to "illness", "temporary absence from the State" and "conflict of interest" (simply not wanting to attend or work commitments is not sufficient reason to ask a Deputy to act at a meeting). Appointment of Deputies must be done by way of an **ABSOLUTE MAJORITY** vote of the Council and the resolution must specify the period for which the Deputy appointment applies (e.g., full term of the Committee or for only part of the time).

The concept of Deputies could only be effective where there are sufficient numbers of Councillors remaining after the appointment of Committee Members to act as back-ups (deputies). For example, if a Committee

comprised of 9 principal Members, there would not be enough Councillors remaining to act as Deputies for each and every principal Member.

Council needs to give thought to the optimum size of Committees (bearing in mind the right of each Councillor to be a Member of at least one Committee of the (a) and/or (b) type above). If Council had Committees comprising large numbers of Councillors, the question would then have to be asked on the purpose for the Committee – Committees of large numbers would not really be subject to review by Council, perhaps business would be better dealt with at a full Council level.

Committees currently established include all of those mentioned in the Agenda under the headings of “Occasional Committees”.

The matter of Committee appointment needs some degree of thought, particularly the size of the committees. Even though there is no limit to the number of Councillors who can participate on a particular Committee, the philosophy behind the Committee structure could be negated. To have Committees of large numbers would really signal that Committees themselves should be dispensed with and the business conducted through full Council.

SHIRE PRESIDENT’S RIGHT TO BE MEMBER OF COMMITTEES:

Section 5.10(4) of the Local Government Act 1995 provides that where any Committee is being established by Council and Committee membership is to comprise of Councillors, the Shire President can indicate a desire to be a member of that Committee. Where the Shire President so indicates, the Council must appoint he/she as a member of that Committee.

OCCASIONAL COMMITTEES:

Occasional Committees do not meet every month but meet on an as needs basis, with items often referred to Committees from Council where further investigation is required. If a meeting is convened by the Chief Executive Officer in consultation with the Committee Chairperson, these meetings are generally held in the last week of the month, to enable any recommendations from the Committee to be considered at the next Council meeting on the third Thursday of the month.

Committees have no authority to make any decisions of Council, but can make recommendations to Council. The only exception to this is where a Committee is specifically given delegated authority of Council.

POLICY IMPLICATIONS

Council Policy 1.9 – *Committee Meetings*

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region’s interests

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATIONS – 10.1.1

1. AUDIT COMMITTEE

That the Council of the Shire of Exmouth:-

- a) *In accordance with provisions of Sections 5.8 of the Local Government Act 1995 Council establishes an Audit Committee;*
- b) *In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors only;*

- c) *The Committee meet as required;*
- d) *In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall consist of the whole Council.*

2. **NINGALOO CENTRE PROJECT STEERING/MANAGEMENT COMMITTEE**

That the Council of the Shire of Exmouth:-

- a) *In accordance with provisions of Sections 5.8 of the Local Government Act 1995 Council establishes a Ningaloo Centre Project Steering/Management Committee;*
- b) *In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors, Staff and Other Persons;*
- c) *In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer, Executive Manager Community Engagement, Executive Manager Corporate Services, Strategic Project Officer, GDC, Durack, Ningaloo Alliance and DRD representatives, and*

MEMBERS:

- (1) Shire President*
- (2) Cr*
- (3) Cr*

COUNCIL DECISION – 26-1013 – 10.1.1
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Moved Councillor Winzer, Seconded Councillor Hood.

1. **AUDIT COMMITTEE**

That the Council of the Shire of Exmouth:-

- a) *In accordance with provisions of Sections 5.8 of the Local Government Act 1995 Council establishes an Audit Committee;*
- b) *In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors only;*
- c) *The Committee meet as required;*
- d) *In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall consist of the whole Council.*

2. **NINGALOO CENTRE MANAGEMENT COMMITTEE**

That the Council of the Shire of Exmouth:-

- a) *In accordance with provisions of Sections 5.8 of the Local Government Act 1995 Council establishes a Ningaloo Centre Project Steering/Management Committee;*
- b) *In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors, Staff and Other Persons;*
- c) *In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer, Executive Manager Community Engagement, Executive Manager Corporate Services, Strategic Project Officer, GDC, Durack, Ningaloo Alliance and DRD representatives, and*

MEMBERS:

- (1) Shire President Cr Turk Shales*
- (2) Cr McHutchison*
- (3) Cr Todd*

CARRIED by ABSOLUTE MAJORITY 6/0

10. REPORTS OF OFFICER**10.1 Chief Executive Officer****10.1.2 Appointment of Council Representatives to External Committees and Organisations**

Location:	Exmouth
Applicant:	Bill Price
File Reference:	GV.CO.2
Disclosure of Interest:	Nil
Date:	18 October 2013
Author:	Chief Executive Officer, Bill Price

Signature:

SUMMARY

Periodically there is a requirement for Councillors to represent the Council on a number of external committees and other organisations. This report recommends that Council nominate representatives to serve on those committees and organisations.

BACKGROUND

Previously Council have had representatives on a range of external committees and other organisations. The following portfolio structure is recommended for Councillor representation:

- Gascoyne Development Commission – 1 Cr (Ministerial endorsement)
- Gascoyne Regional Committees – These three committees generally meet quarterly and in conjunction with each other on a rotational basis amongst the Gascoyne shires. The Shire President is required to be represented with one other Cr.
 - Gascoyne Regional Alliance (GRA),
 - Gascoyne Country Zone (WALGA)
 - Gascoyne Regional Road Group (GRRG)
- Local Emergency Management Committee (LEMC)
- Gascoyne Regional Planning Committee – 1 Cr
- Development Assessment Panels (DAPS) – 2 Crs and 2 Crs proxy reps
- Recreation & Culture Portfolio – (all sporting groups, cultural and art groups) – 1 Cr.
- Emergency/Community Services Portfolio – (emergency service groups, volunteer and service organisations) - 1 Cr.
- Environmental Portfolio – (Jurabi, Bundegi, Murion Islands Management Group, DPaW, Cape Conservation and Care Groups and other environmental organisations) – 1 Cr.
- Commerce/Industry/Tourism Portfolio – (Visitor Centre, CCI, business and industry groups, Marina Advisory Group) – 1 Cr.
- Oil & Gas/Resource Sector Reference Group Portfolio – (Woodside, BHP, Apache, RIO Tinto, Chevron Community Reference Groups) – 1 Cr.

COMMENT

There are a number of Community groups, representative organisations and working groups that the Exmouth Shire Council has a Council representative on. The above list is the various groups seeking a Council representative(s).

Councillors may have a particular field of interest, skill or knowledge which they feel would make them a suitable Council representative. Council is not required in all instances to have a nominated representative attend the listed groups, and Councillor's need to assess their availability and time schedule to attend the nominated groups.

The CEO is appointed to most of the Committees seeking a Council Officer as a representative, but may delegate to a specific Officer this task.

STATUTORY ENVIRONMENT

All Committees are established under provisions of Sections 5.8 to 5.18 of the local Government Act 1995.

POLICY IMPLICATIONS

Council Policy 1.9 – *Committee Meetings*

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region’s interests

VOTING REQUIREMENTS

Absolute Majority

OFFICERS RECOMMENDATIONS – 10.1.2

That the following Councillor(s) / Officer(s) be appointed as representatives for the Shire of Exmouth on the following committees and other organizations:

<i>Gascoyne Development Commission Gascoyne Regional Committees</i>	<i>Councillor Hood Councillor – Shire President Councillor – Winzer Council Officer - CEO Council Officer – EMES (GRRG)</i>
<i>Local Emergency Management Committee (LEMC)</i>	<i>Councillor – Shire President Councillor – Winzer Council Officers – CEO, EMTP, Ranger & Emergency Services Officer</i>
<i>Gascoyne Regional Planning Committee</i>	<i>Councillor –</i>
<i>Development Assessment Panels (DAPS)</i>	<i>Councillor – Shales Proxy – Cr Hood Councillor – Winzer Proxy – Cr Thompson</i>
<i>Recreation & Culture Portfolio</i>	<i>Councillor -</i>
<i>Emergency/Community Services Portfolio</i>	<i>Councillor -</i>
<i>Environmental Portfolio</i>	<i>Councillor -</i>
<i>Commerce/Industry/Tourism Portfolio</i>	<i>Councillor -</i>
<i>Oil & Gas/Resource Sector Reference Group Portfolio</i>	<i>Councillor -</i>

COUNCIL DECISION – 27-1013 – 10.1.2

Moved Councillor Winzer, Seconded Councillor Todd.

That the following Councillor(s) / Officer(s) be appointed as representatives for the Shire of Exmouth on the following committees and other organizations:

*Gascoyne Development Commission
Gascoyne Regional Committees*

*Councillor – Cr Hood
Councillor – Shire President
Councillor – Cr Winzer
Council Officer - CEO
Council Officer – EMES (GRRG)*

*Local Emergency Management Committee
(LEMC)*

*Councillor – Shire President
Councillor – Cr Winzer
Council Officers – CEO, EMTP, Ranger &
Emergency Services Officer*

Gascoyne Regional Planning Committee

Councillor – Cr Todd

Development Assessment Panels (DAPS)

*Councillor – Cr Shales Proxy – Cr Hood
Councillor – Cr Winzer Proxy- Cr Thompson*

Recreation & Culture Portfolio

Councillor – Cr McHutchison

Emergency/Community Services Portfolio

Councillor – Cr Winzer

Environmental Portfolio

Councillor – Cr Thompson

Tourism Portfolio

Councillor – Cr Hood

*Oil & Gas/Resource Sector Reference
Group Portfolio*

Councillor – Cr Todd

Commerce/Industry Portfolio

All Councillors

CARRIED by ABSOLUTE MAJORITY 6/0

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

13. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

The Shire President declared the meeting closed at 3.33pm.