



Shire of Dardanup

# A G E N D A

## SPECIAL COUNCIL MEETING

To Be Held

Wednesday, 23 October 2019  
Commencing at 5.00pm

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive – EATON

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## NOTICE OF A SPECIAL COUNCIL MEETING

Dear Council Member

A Special Council Meeting of the Shire of Dardanup will be held on Wednesday, 23 October 2019 in the Council Chambers, Shire of Dardanup - Administration Centre Eaton, 1 Council Drive, Eaton - commencing at 5.00pm. The meeting will be held for the Swearing-in of Councillors elect; the election of the Shire President and Deputy Shire President and appointment of members to Committees.



**MR ANDRÉ SCHÖNFELDT**  
Chief Executive Officer

Date: 19 October 2019

**Note:** If interested persons would like to make comment on any items in this agenda, please email [records@dardanup.wa.gov.au](mailto:records@dardanup.wa.gov.au) or hand deliver written comment to the Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton. To be included in the meeting, comments are to be delivered no later than 48 hours prior to the meeting.

The Chief Executive Officer will use his discretion as to whether the written comments are relevant and applicable to the meeting before approving their inclusion in the meeting.

## MISSION STATEMENT

“Provide effective leadership in encouraging balanced growth and development of the Shire while recognizing the diverse needs of our communities.”

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## COUNCIL ROLE

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council eg. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>

## DISCLAIMER

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

**SHIRE OF DARDANUP**

**AGENDA FOR THE SHIRE OF DARDANUP SPECIAL COUNCIL MEETING TO BE HELD ON WEDNESDAY, 23 OCTOBER 2019, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 5.00PM.**

**1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

*[Local Government Act 1995 Schedule 2.3 (3) – CEO to preside: The CEO is to preside at the meeting until the office (of President) is filled.]*

The Chief Executive Officer, Mr André Schönfeldt, to declare the meeting open, welcome those in attendance and refer to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

*Acknowledgement of Country*

*The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Wardandi people in this land.*

*Affirmation of Civic Duty and Responsibility*

*Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.*

*Emergency Procedure*

*In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).*

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

2.1 Attendance

2.2 Apologies

### 3 PUBLIC QUESTION TIME

### 4 PETITIONS/DEPUTATIONS/PRESENTATIONS

### 5 SWEARING IN/DECLARATION BY ELECTED MEMBERS

#### 5.1 Title: Swearing In / Declaration by Councillors

<i>Reporting Department:</i>	<i>Corporate &amp; Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Cathy Lee – Manager Governance &amp; HR</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

#### Overview -

Chief Executive Officer, Mr André Schönfeldt to preside over the swearing in and the signing of the Declarations of the newly Elected Members [*Local Government (Constitution) Regulations 1998, Part 3, r3*] and [*Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21*].

#### Background

Following the October 2019 Election, the first task is for newly elected Councillors to complete their Declarations of Office.

#### Legal Implications

#### *Compliance with:*

- *Local Government (Constitution) Regulations 1998, Form 7.* [[Form 7 - Declaration by Councillor](#)]
- *Local Government Act 1995 Schedule 2.3*
  3. *CEO to preside*

*The CEO is to preside at the meeting until the office (of President) is filled.*
- *Local Government Act 1995 Section 2.29.*
  - 2.29. *Declaration*
    - (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
    - (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
    - (3) *A declaration required by this section is to be taken or made before a prescribed person.*
    - (4) *A person who acts in an office contrary to this section commits an offence.*  
*Penalty: \$5 000 or imprisonment for one year.*

Officer Comment

The following four Councillors four year terms will run from the 23 October 2019 to October 2023:

1. \_\_\_\_\_
2. \_\_\_\_\_ [Names to be inserted following
3. \_\_\_\_\_ 19 October 2019 election results.]
4. \_\_\_\_\_

**PROCESS:**

Chief Executive Officer, Mr André Schönfeldt to preside over the swearing in of the following Councillors who are to read aloud and sign a Declaration of Office form [Local Government (Constitution) Regulations 1998, Form 7]:

**Form 7. Declaration by elected member of council [r. 13(1)(c)]**

Local Government Act 1995

Local Government (Constitution) Regulations 1998

Declaration by elected member

*I, (insert name) ., of (insert residential address), having been elected to the office of Councillor of the Shire of Dardanup, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.*

*Declared at: 1 Council Drive, Eaton on Wednesday 23 October 2019*

*by: [Signature of Councillor]*

*Before me: [Signature ] Mr André Schönfeldt – Chief Executive Officer, Shire of Dardanup  
Authorised Person [Oaths, Affidavits and Statutory Declarations Act 2005,  
Schedule 2. Item 21].*

### SWEARING IN

The following Councillors, to read aloud and sign the Declaration by Elected Member of Council (Form 7), Local Government (Constitution) Regulations 1998, section 13(1)(c); and be formally Sworn In, as witnessed by Chief Executive Officer, Mr André Schönfeldt.

Councillor \_\_\_\_\_ [Form 7 Signed Declaration to be attached with minutes]  
 Councillor \_\_\_\_\_ [Form 7 Signed Declaration to be attached with minutes]  
 Councillor \_\_\_\_\_ [Form 7 Signed Declaration to be attached with minutes]  
 Councillor \_\_\_\_\_ [Form 7 Signed Declaration to be attached with minutes]

## 5.2 Title: Election of Shire President

Reporting Department:	Corporate & Governance Directorate
Reporting Officer:	Ms Cathy Lee – Manager Governance & HR
Legislation:	Local Government Act 1995

### Overview -

To elect the Shire President for the Council of the Shire of Dardanup for the ensuing 2 years.

### Background

Following the October 2019 Election, the first task is for newly elected Councillors to complete their Declarations of Office, then the new Council is to elect a Shire President and a Deputy Shire President.

### Legal Implications

#### Compliance with:

- Local Government (Constitution) Regulations 1998, Form 7. [[Form 7 - Declaration by President](#)]
- Local Government Act 1995 Section 2.29.

#### 2.29. Declaration

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.
- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.  
Penalty: \$5 000 or imprisonment for one year.

- Local Government Act 1995 – Schedule 2.3

*Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15] - Division 1 — Mayors and presidents*

#### **2. When council elects mayor or president**

- (1) The office is to be filled as the first matter dealt with —
  - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

#### **4. How mayor or president is elected**

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.



- (3a) *Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.*

*[Clause 4 amended: No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]*

### Strategic Community Plan

Strategy 1.1.1 - To be equitable, inclusive and transparent in decision making. (Service Priority: High)

Strategy 1.1.2 - Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Strategy 1.2.2 - Promote programs which encourage elector participation and diversity in local government elections. (Service Priority: Very High)

Environment - None.

Precedents -

The Shire President is elected following each Ordinary Election held every 2 years.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

### Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix SCM: 12.1A ) for full assessment document.

<b>Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Risk Event	Election of Shire President
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	Not required.
Residual Risk Rating (after treatment or controls)	As the Residual Risk Rating is below 12, this is not applicable.

Officer Comment

The following process will take place to:

- The Chief Executive Officer to call for nominations for the office of Shire President for the ensuing two year term.
- Nominations for the Office of President are to be given to the Chief Executive Officer in writing.
- The position of Shire President runs from 23 October 2019 to 20 October 2021 (Special meeting date after third Saturday in October). The office of President is for a two year term – expires at the time when the next President is elected after each Ordinary election Local Government Act 1995 2.28(2) Item 11.
- If there is only one nominee, the Nominee to accept the nomination in writing to the position of Shire President, read aloud and sign a Declaration of Office for Shire President.
- If there is more than one nominations received in writing, a secret ballot will take place.
- A draw is to be conducted for the order of names on the ballot paper and the position numbers and names recorded.
- Each Councillor to make a short statement in support of their respective nominations.
- A ballot paper is to be prepared and issued to Councillors with the back of each ballot paper being initialled by Chief Executive Officer.
- All Councillors are to complete their ballot paper behind a secluded booth and lodge their ballot paper in a sealed ballot box.
- The Chief Executive Officer to count the votes, overseen by Deputy Chief Executive Officer and Manager Governance & HR.
- The Elected Shire President, to be sworn in then to take over the position of Chairperson.

Legal Implications

Chief Executive Officer, Mr André Schönfeldt to preside over the swearing in and the signing of the Declarations of the newly elected Shire President [*Local Government (Constitution) Regulations 1998, Part 3, r3*] and [*Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21*].

Compliance with the Local Government Act 1995 Schedule 2.3

**5. Votes may be cast a second time**

- (1) *If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*
- (3) *When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

Voting Requirements-

By secret ballot (Schedule 2.3 4. (5) ) (Schedule 4.1) "The candidate that receives the greater number of votes is elected."

**DECLARATION BY SHIRE PRESIDENT**

The Chief Executive Officer, Mr André Schönfeldt to declare Cr \_\_\_\_\_ as Shire President for the ensuing two year term, expiring at the Special Council meeting in October 2021.

Cr \_\_\_\_\_ to be duly sworn in as Shire President by making the Declaration of Office of the President.

Cr \_\_\_\_\_ to assume the role of Chairperson being the newly elected Shire President at [???pm].

[Form 7 Signed Declaration to be attached with minutes.]

### 5.3 Title: Election of Deputy Shire President

Reporting Department: Corporate & Governance Directorate  
 Reporting Officer: Ms Cathy Lee – Manager Governance & HR  
 Legislation: Local Government Act 1995

#### Overview -

To elect the Deputy President for the Council of the Shire of Dardanup for the ensuing 2 years.

#### Background

Following the October 2019 Election, the first task is for newly elected Councillors to complete their Declarations of Office, then the new Council is to elect a President and a Deputy President.

#### Legal Implications

##### Compliance with:

- *Local Government (Constitution) Regulations 1998, Form 7.* [[Form 7 - Declaration by Deputy President](#)]
- *Local Government Act 1995 Section 2.29.*

##### 2.29. Declaration

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) *A declaration required by this section is to be taken or made before a prescribed person.*
- (4) *A person who acts in an office contrary to this section commits an offence.  
Penalty: \$5 000 or imprisonment for one year.*

##### Compliance with the Local Government Act 1995 Section 2.29.

##### 2.29. Declaration

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) *A declaration required by this section is to be taken or made before a prescribed person.*
- (4) *A person who acts in an office contrary to this section commits an offence.  
Penalty: \$5 000 or imprisonment for one year.*

#### Local Government Act 1995 – Schedule 2.3

*Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15] - Division 1 — Mayors and presidents*

##### **7. When council elects deputy mayor or deputy president**

- (1) *If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —*
  - (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*

- (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (2) *If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —*
  - (a) *as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
  - (b) *subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (3) *If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.*

#### **8. How deputy mayor or deputy president is elected**

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

*[Clause 8 amended: No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]*

#### **9. Votes may be cast a second time**

- (1) *If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

#### **Strategic Community Plan**

Strategy 1.1.1 - To be equitable, inclusive and transparent in decision making. (Service Priority: High)

Strategy 1.1.2 - Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Strategy 1.2.2 - Promote programs which encourage elector participation and diversity in local government elections. (Service Priority: Very High)

Environment - None.

Precedents -

The Deputy Shire President is elected following each Ordinary Election held every 2 years.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix SCM: 12.1A ) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Election of Deputy Shire President
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	Not required.
Residual Risk Rating (after treatment or controls)	As the Residual Risk Rating is below 12, this is not applicable. .

Officer Comment

The following process will take place to:

- The Shire President (or Chief Executive Officer if the Shire President is not present), to call for nominations for the office of Deputy Shire President for the ensuing two year term.
- Nominations for the Office of Deputy Shire President are to be given to the Chief Executive Officer in writing.
- The position of Deputy Shire President runs from 23 October 2019 to 20 October 2021 (Special meeting date after third Saturday in October). The office of Deputy President is for a two year term – expires at the start of the first meeting of Council after the Ordinary election Local Government Act 1995 2.28(2) Item 12.
- If there is only one nominee, the Nominee to accept the nomination in writing to the position of Deputy Shire President, read aloud and sign a Declaration of Office for Deputy Shire President.
- If there is more than one nominations received in writing, a secret ballot will take place.
- A draw is to be conducted for the order of names on the ballot paper and the position numbers and names recorded.
- Each Councillor to make a short statement in support of their respective nominations.

- A ballot paper is to be prepared and issued to Councillors with the back of each ballot paper being initialled by Chief Executive Officer.
- All Councillors are to complete their ballot paper behind a secluded booth and lodge their ballot paper in a sealed ballot box.
- The Chief Executive Officer to count the votes, overseen by Deputy Chief Executive Officer and Manager Governance & HR.
- The Elected Deputy Shire President, to be sworn in.

Legal Implications

Compliance with the Local Government Act 1995 Schedule 2.3

**5. Votes may be cast a second time**

- (1) *If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*
- (3) *When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

Voting Requirements-

By secret ballot (Schedule 2.3 4. (5) ) (Schedule 4.1) “The candidate that receives the greater number of votes is elected.”

<b>DECLARATION BY DEPUTY SHIRE PRESIDENT</b>
<p>The Chief Executive Officer, Mr André Schönfeldt to declare Cr _____ as Deputy Shire President for the ensuing two year term, expiring at the Special Council meeting in October 2021.</p> <p>Cr _____ to be sworn in as Deputy Shire President by making the Declaration of Office of the Deputy Shire President.</p> <p>[Form 7 Signed Declaration to be attached with minutes.]</p>

**DECLARATION**

**Following due process as per Section 5.12 and Schedule 2.3 of the Local Government Act 1995 the following people are declared:**

- **Cr. \_\_\_\_\_ - Shire President**
- **Cr. \_\_\_\_\_ - Deputy Shire President**

**of the Shire of Dardanup.**

5.4 Title: Allocation of Seats

Reporting Department: Corporate & Governance Directorate  
 Reporting Officer: Ms Cathy Lee – Manager Governance & HR  
 Legislation: Local Government Act 1995

Overview

According to Standing Orders Local Law 2014 S7.2 (2), the Chief Executive Officer will conduct a ballot for the allocation of seating in the Council Chambers.

Legal Implications

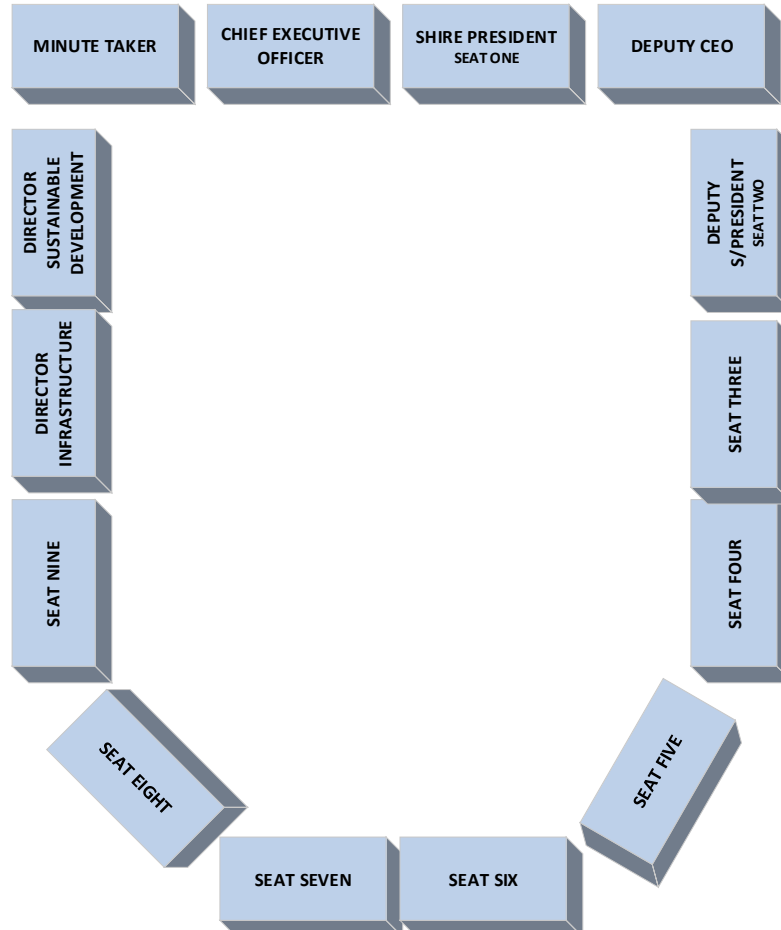
Standing Orders Local Law 2014, Section 7.2 (2)

7.2 Members to occupy own seats

- (1) At meetings of the Council each member is to occupy the place assigned to that member within the Council Chamber.
- (2) At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions.

PROCESS:

Elected members to vacate their seats and await the outcome of the ballot for seats three to nine.





SEAT	NAME OF ELECTED MEMBER
One	Shire President -
Two	Deputy Shire President -
Three	
Four	
Five	
Six	
Seven	
Eight	
Nine	

**6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

*Note: The Minutes of the Ordinary Meeting of Council held on 16 October 2019, will be confirmed at the next Ordinary Meeting of Council to be held on 6 November 2019.*

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

None.

**10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

None.

**11 DECLARATION OF INTEREST**

“Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.”

Key Management Personnel (which includes Elected Members, CEO and Directors) are reminded of their requirement to disclose biannually transactions between Council and related parties in accordance with Council Policy CP039.

<b>12      REPORTS OF OFFICERS AND COMMITTEES</b>
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**12.1    Title:    Appointment of Councillors to Council Committees**

<i>Reporting Department:</i>	<i>Executive</i>
<i>Reporting Officer:</i>	<i>Mr André Schönfeldt - Chief Executive Officer</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

**Overview**        -

This report to Council provides for the appointment and endorsement of Councillors, staff, Community and Department Representatives to the Shire of Dardanup Council Committees for the period 2019 to October 2021.

**Background**        -

In accordance with section 5.8, 5.9 and 5.10 of the Local Government Act, Council is empowered to establish committees and elect persons to serve on those committees.

In accordance with Section 5.11 of the Local Government Act 1995, tenure to the committee membership continues until :

- (1)        *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a)        *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
  - (b)        *the person resigns from membership of the committee;*
  - or*
  - (c)        *the committee is disbanded; or*
  - (d)        *the next ordinary elections day, whichever happens first.*

The following Committees were established following the 2017 Local Government Election by the Special Council Meeting of the 25 October 2017.

1. Corporate & Community Services Committee
2. Engineering & Development Services Committee
3. Disability Advisory Committee
4. Occupational Safety & Health Committee
5. Waste Management Committee
6. Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No. Committee
7. Audit Committee
8. Strategic Planning Committee
9. Local Emergency Management Committee
10. Bushfire Advisory Committee
11. Dardanup Townscape Committee
12. Eaton Townscape Committee
13. Burekup Townscape Committee
14. Ferguson Hall Committee
15. Dardanup Roadwise Committee
16. Eaton Sports Committee
17. Shire Youth Advisory Committee

At the same meeting the following Councillors were elected as delegates to the following Community and Regional Committees.

1. Burekup Country Club Committee
2. Eaton Senior Citizens Association
3. Regional Road Group
4. Leschenault Catchment Council
5. Dardanup Recreation Group Co-Ordinating Committee
6. Bunbury Wellington Economic Alliance
7. SW Zone of WA Local Government Association
8. Ferguson Valley Marketing Inc (formerly Ferguson Valley Marketing and Promotions)
9. Bunbury Wellington Group of Councils.

The following Project Working Groups were established and endorsed by Council during the 2017-2019 period.

1. Gnomesville Master Plan Project Working Group
2. Eaton Bowling Club Redevelopment Working Group
3. Responsible Pet Ownership Working Group
4. Australia Day Working Group
5. Eaton Sporting Precinct Working Group
6. Eaton Skate Park, ERC Courts & Parking Working Group
7. Fenced Dog Exercise Area Working Group
8. Tourist Signage Working Group
9. Shire Administration & Library Building Project Working Group
10. Asset Management Working Group

Altogether, there were 27 internal Committees and Working Groups, with further representation by Council on 9 external Committees, Boards & Associations.

#### Legal Implications

The following Local Government Act requirements apply to the business before Council in relation to committees.

#### 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. Types of committees

(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;*
- (b) *Council members and employees;*
- (c) *Council members, employees and other persons;*
- (d) *Council members and other persons;*
- (e) *employees and other persons; or*
- (f) *other persons only.*

5.10. Appointment of committee members

- (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.

5.11. Tenure of committee membership

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
  - (b) the person resigns from membership of the committee;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day, Which ever happens first.

Strategic Community Plan

Strategy 1.1.2- Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Strategy 1.6.10- Provide opportunities for the community to engage with Councillors and Staff. (Service Priority: High)

Environment - None.

Precedents - None.

Council has previously endorsed Council Committees and member nominations.

Budget Implications -

The administration of committees and working groups requires significant resources to prepare Agenda's, Notes, Report and Minutes. In addition to the administration, staff time is also taken up with queries from committee members, attendance to meetings and workshops.

At some meetings up to five staff members may be in attendance. It is estimated that the administration of a single Committee could cost as much as \$16,000 per annum in staff productivity and time.

It is therefore important that Committees and Working Groups are run efficiently and effectively to assure maximum benefit is achieved. It should be noted however, that Committees and Working Groups play an important part in Community Engagement and allows great opportunities for community members to be actively involved in Local Government activities and initiatives.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment -

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix SCM: 12.1A ) for full assessment document.

<b>Tier 2 – 'Low' or 'Moderate' Inherent Risk.</b>	
Risk Event	Endorsement of Elected Members, Staff, Community Members and Department Representatives to the Shires Council Committees
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	Not required.
Residual Risk Rating (after treatment or controls)	As the Residual Risk Rating is below 12, this is not applicable. .

#### Officer Comment

A Councillor workshop was held on 21 August 2019 wherein a review was undertaken of Council's current meetings, forums, working groups and Committees. Following on from discussions held with Councillors at this workshop, and further internal review by the Chief Executive Officer and Executive, it is recommended that Council only set up the following committees to deal with specific legal requirements and matters of a confidential nature:

1. Audit & Risk Committee - Legal Requirement
2. Local Emergency Management Committee - Legal Requirement
3. Bush Fire Advisory Committee - Delegated Authority
4. Grants, Awards & Scholarship Committee - Legal Requirement
5. Integrated Planning Committee - (Integrated Planning Review Framework)
6. Shire of Harvey & Shire of Dardanup  
Joint Town Planning Scheme No 1 Committee - Legal Requirement
7. Occupational Safety & Health Committee - Legal Requirement

The setting of the Ordinary Council Meeting dates will be undertaken at the 27 November Council Meeting. It is intended that these Committees will have meeting dates set by Council at that meeting also. Special Meetings may be called, however in order to reduce costs, these Special Meetings should remain limited in number.

The Terms of Reference for each of these Committees is provided for in (Appendix SCM: 12.1B) for review and endorsement by Council.

The following Committees are therefore recommended to be dissolved by Council.

- Engineering & Development Services Committee
- Corporate & Community Services Committee
- Strategic Planning Committee
- Waste Management Committee
- Disability Advisory Committee
- Dardanup Roadwise Committee
- Eaton Sports Committee
- Shire Youth Advisory Committee
- Community Safety Committee

It is intended that a Community Engagement Policy will be presented to Council at the 27 November OCM to give effect to the Community Engagement Framework. At the same meeting Council will also be requested to consider two associated policies in the Advisory Group Policy and the Council Forums Policy. Currently the intent is for all Townscape Committees and Working Group to be replaced with Advisory Groups that are 'Place Based' or 'Topic Based' as per below:

Placed Based Advisory Group	Topic Based Advisory Group
Eaton Townscape Advisory Group	Sustainable Advisory Group
Dardanup Townscape Advisory Group	Economic Advisory Group
Burekup Townscape Advisory Group	Community & Culture Advisory Group
Wanju Advisory Group	Roadwise Advisory Group
Waterloo Advisory Group	Sport & Recreation Advisory Group

Therefore the decisions related to representation on these committees, working groups or advisory groups is recommended to be held over until the Ordinary Council Meeting of the 27 November 2019 where Council will have an opportunity to consider it more holistically.

- *Councillor Delegates and Representatives*

In addition to Council Committees, Community and Regional Committees request the nomination of Elected Members to their respective Committees/Boards/Associations. The following Committees have requested nominations by Council on behalf of the Shire.

- *BUREKUP COUNTRY CLUB COMMITTEE*  
Community Social Club located in the Burekup Townsite. Membership only with regular functions carried out. Hall hire and Tennis Court hire is also available and has a membership of approximately 200 members.
- *EATON SENIOR CITIZENS ASSOCIATION*  
Senior Citizens Association for over 65's located in the Eaton Townsite. Membership only with regular activities organise and carried out at the centre.
- *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.

- *LESCHENAULT CATCHMENT COUNCIL*

The Leschenault Catchment Council was formed in 2000, through the amalgamation of two community-lead NRM groups - the Leschenault Inlet Management Authority and the Leschenault Catchment Coordinating Group. The Council has 13 Active members from community, local government and industry and collaborates with many other groups.

The Leschenault Catchment Council develops strategic partnerships with stakeholders and the community to implement and deliver positive NRM outcomes across the Leschenault Catchment. Working in collaboration with the Department of Water, the Leschenault Catchment Council develops planning documents such as the Leschenault Catchment Management Strategy, River Action Plans and the Leschenault Estuary Water Quality Improvement Plan. Regional strategies and investment planning for the implementation of positive NRM programs are developed in collaboration with the South West Catchments Council.

The Leschenault Catchment Council supports schools in the education of all age groups on the environmental values of the catchment and waterway health. Through projects they work with landholders, local government, industry, community and indigenous groups to improve the ecological, cultural and aesthetic values of our natural assets across the catchment

- *BUNBURY GEOGRAPHE ECONOMIC ALLIANCE*

The Bunbury Geographe Economic Alliance (BGEA) is a unique partnership encompassing community leadership through the six local governments of the Bunbury Wellington sub-region, industry leadership in the resources, energy, transport, engineering, construction, water supply, timber processing, telecommunications, education, consulting and accounting sectors, and the regional leadership of the South West Development Commission.

- *SOUTH WEST WALGA ZONE*

The operational structure of WALGA is comprised of internal business units who undertake either policy and advocacy work on behalf of the Local Government sector, or offer services to assist Local Governments to perform their duties. From within here zones are created within WA. Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

- *FERGUSON VALLEY MARKETING INC*

Ferguson Valley Marketing Inc (FVM) is a not-for-profit incorporated association, involved in promoting the Ferguson Valley and the Shire of Dardanup to visitors and tourists, including its natural and man-made attractions, tourism related businesses, sponsorships and key events within the Shire of Dardanup, Western Australia.

- *BUNBURY GEOGRAPHE GROUP OF COUNCILS*

The Bunbury Geographe Group of Councils consists of 6 Local Governments member Councils, that being

- City of Bunbury
- Shire of Dardanup
- Shire of Collie
- Shire of Donnybrook
- Shire of Capel
- Shire of Harvey

The Bunbury Geographe Group of Councils was formed as a group several years ago to facilitate opportunities for resource sharing and regional cooperation.

- *FERGUSON HALL COMMITTEE*

Ferguson Hall is located on Ferguson Road in Dardanup. The Hall is hired out to the local community for functions and events and the Committee facilitates the hire process.

- **BUNBURY OUTER RING ROAD REGIONAL LOCAL GOVERNMENT ADVISORY GROUP**

This group has been established by Main Roads through the Bunbury Outer Ring Road Project Team, whose role is to engage with stakeholders and community in regards to the Outer Ring Road Project. The Regional Local Government Advisory Group was formed to identify and discuss local area issues, ensure project planning takes into account Local Government planning and policy goals and to also community effectively with the Local Government.

- **EATON COMMUNITY COLLEGE BOARD**

The Chief Executive Officer has been appointed as the Shire's representative to this board earlier this year and is requesting that Council reaffirms this appointment.

• **DAP Panel**

In accordance with Regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, Council is required to nominate four elected council members to sit as DAP members for the local government.

All appointed local members are required to undertake mandatory training prior to being able to sit on a DAP. Appointed local members that have previously been a member and received training are not required to attend further training.

Local DAP members are entitled to be paid for their attendance at DAP training and DAP meetings unless they are Federal, State or local government employees, active or retired judicial officers and employees of public institutions. DAP members are entitled to a payment for successful completion of training and a sitting fee, in accordance with Premier's Circular 2010/02.

The details of your appointment are as follows:

- Your appointment for a one year term will expire on 26 July 2018, with the possibility of extension for the remainder of the maximum term of up to three years.
- You are eligible to be paid sitting and training fees in accordance with Premier's Circular 2010/02.
- You are entitled to be reimbursed for travel expenses to attend meetings in accordance with Public Sector Commissioner's Circular 2009-20.
- You are appointed as a DAP local government member on the basis that you are a member of the council of the local government. If you cease to be a member of the council, your term of office as a DAP local government member will expire at the same time.

Under the Regulations, and to assist with your role and responsibility as a DAP member, you are required to undertake formal training. The DAP Secretariat will contact you shortly regarding training schedules and to provide you with other relevant information. In the interim, please complete and return the forms included with this letter to the DAP Secretariat using the enclosed envelope.

Council Role - Legislative.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:



**OFFICER RECOMMENDED RESOLUTION “A”**

**THAT Council**

**1. Dissolve the following Council Committees**

- **Engineering & Development Services Committee**
- **Corporate & Community Services Committee**
- **Strategic Planning Committee**
- **Waste Management Committee**
- **Disability Advisory Committee**
- **Dardanup Roadwise Committee**
- **Eaton Sports Committee**
- **Shire Youth Advisory Committee**
- **Community Safety Committee**

**2. Endorse the following Elected Members, Staff and Community and Department Representatives to the following Council Committees [Note: Terms expire in October 2021].**

**COUNCIL COMMITTEES**

**Grants, Awards & Scholarship Committee**

- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member

**Audit & Risk Committee**

- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member

**Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No. 1 Committee**

- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member[Deputy]

**Local Emergency Management Committee**

- \_\_\_\_\_ - Shire President – [Chairperson]
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- Mrs Erin Hutchins - Local Recovery Coordinator
  
- Representative – Department of Child Protection & Family Services
- Representative – Department of Agriculture & Food WA
- Representative – Department of Parks & Wildlife
- Representative – Department of Health
- Representative – Main Roads WA
- Representative – Dept of Fire & Emergency Services – Fire
- Representative – Dept of Fire & Emergency Services– Natural Hazards
- Representative – Public Transport Authority
- Representative – WA Police [Deputy Chairperson]
- Representative – Water Corporation
- Representative – Western Power
- Representative – Aqwest
- Representative – St Johns Ambulance WA
- Representative – Telstra Australia
- Representative – Australian Railroad Group
- Representative – ATCO Gas

**Bushfire Advisory Committee**

- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
  
- Chief - Bush Fire Control Officer
- Fire Control Officer - Waterloo District
- Fire Control Officer - Eaton Townsite District
- Fire Control Officer - Upper Ferguson District
- Fire Control Officer - Joshua/Crooked Brook District
- Fire Control Officer - West Dardanup District
- Fire Control Officer - Ferguson District
- Fire Control Officer - Wellington Mill District
- Fire Control Officer - Burekup District
- Fire Control Officer - Dardanup Central
  
- Representative - Dept of Parks & Wildlife
- Representative - Dept of Fire & Emergency

**Integrated Planning Committee**

- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member
- \_\_\_\_\_ - Elected Member

**Occupational Safety & Health Committee**

- Chief Executive Officer – Staff
- Manager Governance & HR – Staff
- OSH Co Ordinator – Staff
- OSH Support Staff – Staff
  
- Eaton Library Representative – Staff
- Eaton Administration Representative x 2 – Staff
- Parks & Gardens Representative – Staff
- Dardanup Outside Works Representative – Staff
- Eaton Recreation Centre Representative - Staff

*By Absolute Majority*

**OFFICER RECOMMENDED RESOLUTION “B”****THAT Council**

1. Endorses the 2019 Terms of Reference as provided for in (Appendix SCM: 12.1B) for the following Committees:
  - Grants, Awards & Scholarship Committee
  - Audit & Risk Committee
  - Integrated Planning Committee
  - Local Emergency Management Committee
  - Bushfire Advisory Committee
  - Occupational Safety & Health Committee
  
2. Notes the draft Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No. 1 Committee Terms of Reference.

**OFFICER RECOMMENDED RESOLUTION "C"**

**THAT the following Councillors be elected as delegates to the following Community, External Committees, Boards and Associations and Ministerial Appointments:**

**Burekup Country Club**

- \_\_\_\_\_ [Delegate]

**Eaton Senior Citizens Association**

- \_\_\_\_\_ [Delegate]

**Regional Road Group**

- \_\_\_\_\_ [Delegate]
- \_\_\_\_\_ [Deputy Delegate]

**Leschenault Catchment Council**

- \_\_\_\_\_ [Delegate] [Nominee for Ministerial Appointment]

**Bunbury Geographe Economic Alliance**

- \_\_\_\_\_ [Delegate]
- \_\_\_\_\_ [Deputy Delegate]

**South West WALGA Zone**

- \_\_\_\_\_ [Delegate]
- \_\_\_\_\_ [Deputy Delegate]

**Ferguson Valley Marketing Inc**

- \_\_\_\_\_ [Delegate]
- \_\_\_\_\_ [Deputy Delegate]

**Bunbury Wellington Group of Councils**

- \_\_\_\_\_ [Delegate]
- \_\_\_\_\_ [Deputy Delegate]

**Ferguson Hall Committee**

- \_\_\_\_\_ [Delegate]

**Bunbury Outer Ring Road Regional Local Government Advisory Group**

- \_\_\_\_\_ [Delegate]
- \_\_\_\_\_ [Deputy Delegate]

**Development Assessment Panel**

- \_\_\_\_\_ [Delegate]
- \_\_\_\_\_ [Delegate]
- \_\_\_\_\_ [Deputy Delegate]
- \_\_\_\_\_ [Deputy Delegate]

**Peron Naturaliste Partnership**

- \_\_\_\_\_ [Delegate]
- \_\_\_\_\_ [Deputy Delegate]

**Eaton Community College Board**

- Mr André Schönfeldt, CEO – [Representative]

All appointments expire on the day prior to the next ordinary local government election date in October 2021 or in accordance with Section 5.11 of the Local Government Act 1995, with the exception of those appointed by the relevant Minister.

*By Absolute Majority*

**13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**15 PUBLIC QUESTION TIME**

**16 MATTERS BEHIND CLOSED DOORS**

None.

**17 CLOSURE OF MEETING**

Shire President Councillor \_\_\_\_\_, to thank outgoing Councillors for their commitment to the Shire of Dardanup and welcome new Councillors to the Council.

The Presiding Officer advises that the date of the next Ordinary Meeting of Council will be Wednesday 6 November 2019, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer to declare the meeting closed.