



murchisonshire

Ancient land under brilliant skies

Agenda for the Ordinary Meeting of the
Murchison Shire Council

To be held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
on Thursday **23 September 2021**, commencing at 12 Noon.

Note: meeting will be conducted to meet COVID-19 restrictions.

Ancient land under brilliant skies

TABLE OF CONTENTS

| | | |
|----|--|----|
| 1 | DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS | 3 |
| 2 | RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE | 3 |
| 3 | CONFIRMATION OF MINUTES | 3 |
| | 3.1 Ordinary Council Meeting – 31 August 2021 | 3 |
| 4 | DISCLOSURE OF INTERESTS | 3 |
| 5 | RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE | 3 |
| 6 | STANDING ORDERS | 4 |
| 7 | PUBLIC QUESTION TIME | 4 |
| 8 | NEXT MEETING | 4 |
| 9 | APPLICATIONS FOR LEAVE OF ABSENCE..... | 4 |
| 10 | URGENT BUSINESS | 4 |
| 11 | NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS..... | 4 |
| 12 | ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION..... | 4 |
| 13 | PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS | 5 |
| 14 | ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED..... | 5 |
| | 14.1 Shire President | 5 |
| | 14.2 Councillors | 5 |
| 15 | REPORTS OF COMMITTEES | 5 |
| 16 | WORKS | 6 |
| | 16.1 Works Report..... | 6 |
| 17 | FINANCE..... | 7 |
| | 17.1 Accounts Paid since the last list was presented to Council | 7 |
| | 17.2 Financial Activity Statements 31 July 2021 | 8 |
| | 17.3 Financial Activity Statements 31 August 2021 | 9 |
| | 17.4 Dolly Loan..... | 10 |
| 18 | DEVELOPMENT | 10 |
| 19 | ADMINISTRATION..... | 11 |
| | 19.1 Review of Councils Policy and Procedures | 11 |
| | 19.2 Returning Officer’s Report on the October 2021 Ordinary Elections | 13 |
| | 19.3 2021 Extraordinary Election | 16 |
| | 19.4 WALGA State Conference Attendance | 19 |
| 20 | CEO ACTIVITY REPORT | 20 |
| 21 | ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS..... | 21 |
| 22 | MEETING CLOSURE..... | 21 |

ATTACHMENTS

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Shire President declared the meeting open at.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Councillors

Cr R Foulkes-Taylor – President
Cr A Whitmarsh – Deputy President
Cr E Foulkes-Taylor
Cr P Squires
Cr G Mead
Cr Q Fowler

Staff

Bill Boehm – CEO
Steven Cosgrove – Community Manager DCEO
William Herold – Works Manager

3 CONFIRMATION OF MINUTES

3.1 Ordinary Council Meeting – 31 August 2021

Background

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

Recommendation

That the minutes of the Ordinary Council meeting held on 31 August 2021 be confirmed as an accurate record of proceedings.

Voting Requirements:

Simple majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

4 DISCLOSURE OF INTERESTS

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 STANDING ORDERS

It has been customary practice in the interests of a productive meeting in relation to the Conduct of Members during debates for the Council to suspend Standing Orders 8.2 (Limitation on Number of speeches) and 8.3 (Duration of Speeches) under Local Law 2001. The following recommendation facilitates this.

Recommendation

That clauses 8.2 (*Limitation on the number of speeches*) and 8.3 (*Duration of speeches*) of Local Law-Standing Orders 2001 be stood down.

Voting Requirements

Simple Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

7 PUBLIC QUESTION TIME

8 NEXT MEETING

Wednesday 27 October 2021 commencing at 12:00noon

9 APPLICATIONS FOR LEAVE OF ABSENCE

10 URGENT BUSINESS

Nil

11 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

12 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

13 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

14 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

14.1 Shire President

14.2 Councillors

15 REPORTS OF COMMITTEES

Nil

16 WORKS

16.1 Works Report

File:
Author: William Herold – Works Manager
Interest Declared: No interest to disclose
Date: 17 September 2021
Attachments: Nil

Construction Crew

Apart from installing the culverts and completing the shoulder work, the Construction crew have completed a section of the Carnarvon-Mullewa Road north from the recent 2020/21 wide sealed section to the foot of a hilly section. They are now busy on the Pinegrove corner. By the time Council meets they should have the Culverts in and the road butted up to the new grid.

The Crew will then be off for the Landor break (1 week). On completing the Pinegrove corner, the 3.3km section south of the existing bitumen will be constructed, ready for the sealing towards the end of November.

Maintenance Crew

Since Council last met the Maintenance Crew have finished Butchers Track, cleared fire breaks around the Settlement and mobbed down to the south end of the Beringarra Pindar Rd. Unfortunately, they have been held up with various mechanical issues. The John Deere grader had electrical problems and the new Cat grader not having a reversable fan and the radiator constantly blocking with seed. A new fan assembly has been ordered and should be installed at around the time Council meets.

Bilung Creek

Work has begun on the new crossing and judging by the progress will more than likely be complete before the expected date.

Sealing Tenders

We expect the new sealing tenders to be out in the next few weeks.

Flood 9

We are waiting for the final sign off from DRWFA fairly soon and can then proceed with getting the required tenders out and finalised. It looks as if the end of the calendar year will once again be a busy time.

Recommendation

That Council notes the Works Report

Voting Requirements

Simple Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

17 FINANCE

17.1 Accounts Paid since the last list was presented to Council

File: 4.37.1
Author: Bill Boehm Chief Executive Officer
Interest Declared: No interest to disclose
Date: 17 September 2021
Attachments: 17.1.1 EFT & Cheque Details for August 2021

Matter for Consideration

The *Local Government (Financial Management) Regulations 1996 Regulation 13* requires that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, then the CEO is to prepare a list of accounts paid by the CEO for each month and present this to the next ordinary meeting of the Council after the list has been prepared and have this list recorded in the minutes of the meeting.

A list of payments presented in accordance with *Regulation 13* of the *Local Government (Financial Management) Regulations 1996* made since the last report to Council is attached.

Strategic Implications

None

Policy Implications

None

Budget/Financial Implications

Nil

Consultation

Nil

Recommendation

That the accounts since the last report to Council, as per the attached Schedule be recorded in the minutes as being presented to Council.

Voting Requirements

Simple Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

17.2 Financial Activity Statements 31 July 2021

File: 2.6
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 17 September 2021
Attachments: 17.2.1 Monthly Management Financial Report July 2021

Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider receipt the Monthly Financial Statements.

Comment

These statements are being presented to meet a statutory obligation to have each month's end and report presented within the following two months.

Budget/Financial Implications:

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Consultation

Moore Australia

Recommendation

That Council note the financial statements as presented for the period ending 31 July 2021 as attached.

Voting Requirements

Simple Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

17.3 Financial Activity Statements 31 August 2021

File: 2.6
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 17 September 2021
Attachments: 17.3.1 Monthly Management Financial Report August 2021

Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider receipt the Monthly Financial Statements.

Comment

These statements are being presented to meet a statutory obligation to have each month's end and report presented within the following two months.

Budget/Financial Implications:

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Consultation

Moore Australia

Recommendation

That Council note the financial statements as presented for the period ending 31 August 2021 as attached.

Voting Requirements

Simple Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

17.4 Dolly Loan

File: 2.3
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 20 September 2021
Attachments: Nil

Matter for Consideration

Refinancing Councils exiting “Dolly” loan with the \$2.0m COVID-19 Roadworks Loan

Comment

Council has currently only one loan to service. This was for an amount of \$20,000 taken out in 2018 in order to purchase a Dolly. Interest rate over the 15-year term of the loan is fixed at 3.333% plus Government Guarantee Fee. Given the circumstances at the time, and that Council could have funded the purchase from revenue, it seems logical to refinance this loan with the \$2.0m COVID-19 Roadworks Loan that is currently being negotiated, especially considering that interest rates are at 1.37% plus Government Guarantee Fee.

Although a formal Council resolution is potentially not necessary it is though prudent to do so in case Treasury require same.

Budget/Financial Implications:

Nil. Available cash in the first year would reduce by \$15,600 (the current loan balance) but there would be net interest savings, albeit small) over the life of the loan

Consultation

Relief Finance Manager

Recommendation

That Council note and endorse the Chief Executive Officer’s actions refinance current Treasury Loan 1 (Ref 28087/436965W) within the \$2.0m COVID-19 Roadworks Loan application.

Voting Requirements

Absolute Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

18 DEVELOPMENT

Nil

19 ADMINISTRATION

19.1 Review of Councils Policy and Procedures

| | |
|--------------------|---|
| File: | 4.40 |
| Author: | Bill Boehm - Chief Executive Officer Steven Cosgrove Community Manager DCEO |
| Interest Declared: | Nil |
| Date | 17 September 2021 |
| Attachments: | 19.1.1 Policies Attached for Review 1.8 Australian Citizenships, 2.2 Councillor's Expenses, 3.2 Staff Housing, 3.3 Health & Safety, 3.4 Grievances Investigation and Resolution, 4.1 Finance Operations, 4.2 Donations and Grants, 4.5 Financial Hardship, 4.7 Fraud Control, 5.3 Roadhouse Fuel, 6.2 Private Works. |

Matter for Consideration

Ongoing Review and update of Councils Policy and Procedures as part of an item-by-item Policy Review Schedule on a regular basis.

Background

At the December 2020 Council Meeting Council adopted the Revised Policy and Procedures as incorporated into the Policy and Procedures Manual (Draft) December 2020 and rescinded the 2005 Policy Manual (25 November 2020 Update) and associated policies. This followed the initial review and consolidation at the November 2020 Council meeting where amongst other things it was resolved to commence a programmed Policy Review. This report is a continuation of this process.

Update

Attached are a list of policies that were found to have elements requiring review and are highlighted for consideration.

At the February Council Meeting it was reported that Review of Policy 4.4 Regional Price Preference become problematical in that any councillor, who is also a contractor could be placed in a conflict-of-interest position. To avoid this from occurring Council resolved to

"Delegate authority to review and amend if required Policy 4.4 (Regional Price Preference) to a Working Group comprising the Chief Executive Officer, Cr Whitmarsh, Cr Fowler and the Works Manager".

In relation to the attached polies subject to review, the main proposed changes are highlighted in yellow and are of general nature and self-explanatory. They mainly consist of correcting grammar/spelling or amending the references of either "Council" or "Shire" to provide the correct context to each. Ie "Council" when resolutions are made by councillors at a meeting or "Shire" when decisions are made in the general sense by the CEO or staff on behalf of the local government entity.

Proposed changes made to those policies with information added or altered are summarised as follows

| Policy | Comments |
|------------------------|---|
| 3.2 Staff Housing | Additional requirements for pets as previously discussed by Council |
| 4.5 Financial Hardship | Amended to include 2021/22 as per Council intention |
| 4.7 Fraud Control | Application of certain responsibilities are applied to the Senior Management Team rather than being position specific |
| 5.3 Roadhouse Fuel | Slight rewording. Incudes reference to fees and charges table |
| 6.2 Private Works; | Incudes reference to fees and charges table and adds in a documentation element |
| 6.1 Roads. | Includes a reference document |

Statutory Environment

Local Government Act 1995

2.7. *Role of council*

- (1) *The council —*
 - (a) *governs the local government’s affairs; and*
 - (b) *is responsible for the performance of the local government’s functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government’s finances and resources; and*
 - (b) *determine the local government’s policies.*

Strategic Implications

Strategically policies should follow and implement Councils overall Community Strategic Plan.

Policy Implications

The Policy Manual is the implementing Policy Document.

Financial Implications

Nil.

Consultation

CEO, Community Manager DCEO, Relief Finance Manager, Works Manager

Recommendation

That Council adopts the revised Policies and Procedures as attached

Voting Requirements

Simple Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

19.2 Returning Officer's Report on the October 2021 Ordinary Elections

File: 4.9
Author: Bill Boehm - Returning Officer
Interest Declared: No interest to disclose
Date: 17 September 2021
Attachments: Nil

Matter for Consideration

The Office of the Returning Officer is independent of the Council and at the conclusion of an election it is appropriate for the Returning Officer to provide a report to the Council on the conduct of the election.

Background

Prior to the conduct of the 2021 Elections, the Electoral Commission was engaged to prepare a resident's roll. WALGA were also engaged to include Murchison Shire as part of a state-wide advertising approach.

Public Notices were managed by WALGA and included advertisements through 'the Western Australian' and on the Department of Local Government, Sport and Cultural Industries (DLGSC) website. This included

- ~ Notice of Enrolling to Vote published on 11 August 2021. Amongst other things the advertisement advised that rolls closed on 27 August 2021;
- ~ Notice calling for nominations. Advertisement advised that Nominations for all vacancies opened on Thursday, 2 September 2021 and closed at 4.00pm on Thursday, 9 September 2021 and;
- ~ Notice of Election for Saturday 16 October 2021 and Notice of those returned unopposed.

In addition, on 30 August 2021 a community email was sent out enclosing a copy of the formal advertisement calling for nominations.

Council was also formally advised within the Council Agenda for the 31 August 2021 Council Meeting that advertisement nominations for the October 2021 Council Elections opened on 2 September 2021 and closed on 9 September 2021. Advice was also provided that advertisements will be placed in the West Australian and on Department of Local Government, Sport and Cultural Industries (DLGSC) website the with a notice advising this has now been published. This can be accessed using the link below.

<https://www.dlgsc.wa.gov.au/local-government/local-governments/council-elections/call-for-nominations-for-in-person-local-government-elections/>

As the Council minutes show, retiring Councillors were Cr Paul Squires, Cr Emma Foulkes-Taylor and Cr Greydon Mead.

Nominations

As previously advised by email and as publicly advertised at the close of the nomination period two nominations were received for the three vacancies on Council. The following persons have been elected to the office of councillor.

FOULKES-TAYLOR, Emma
FOWLER, Shelly

As a result, an Extraordinary Election will be required to be held to fulfill the remaining vacancy.

Councillors Terms

The term of retiring Councillors, Cr Paul Squires, Cr Emma Foulkes-Taylor and Cr Greydon Mead will cease at 6pm on Saturday 16 October 2021.

Incoming Councillors elect, Emma Foulkes-Taylor and Shelly Fowler will commence their terms as councillor following their respective declarations of Office up until their term expiry on 18 October 2025.

Comment

In my report to the *October 2019 Council Meeting* following the Ordinary Elections of that year I advised that amongst other things:

"Whilst the election process was successfully completed there are a few comments to be noted including the following:

- ~ The recent inquiry into the City of Perth Council has already revealed a range of non-compliance aspects associated with electoral rolls and eligibility for enrollments on the owner/ occupier roll and even eligibility for nomination. Findings from this will no doubt shape future legislative changes. What is clear that even with the resources that Perth City have available mistakes can be made in good faith. This applies equally for small Councils and explains why many local governments outsource their electoral responsibilities to minimise the risk, notwithstanding the additional costs involved;*
- ~ The forms required to be filled out by prospective candidates could be improved and simplified with actual examples and do's and don'ts. Once a nomination is submitted there is often very little time to correct any errors that may have been made;*
- ~ The support from the WALGA Governance Team has found to be invaluable with experienced advice readily available."*

This time around and even with a bit more experience reinforces a view that that the level of expertise needs to be at a very high level, a situation that small councils cannot really cope with without some form of external support. Administratively there is a lot of time and resources involved and this time I was able to use the Community Manager DCEO as support.

Conducting an extraordinary election in house will also add more complexities and with such a small electoral role in combination with first past the post voting makes a very close outcome more than just a rare occurrence. Apparently, this situation has happened on one previous occasion with the successful candidate being elected through the random draw out of a hat.

In such a very small community, where the CEO / Returning Officer and staff all know most of the potential candidates and councillors, questions may invariably be asked about impartiality, even if nothing untoward has occurred. If some complaint was made, the processes behind the election would invariably be closely scrutinised putting added burden on staff, who despite best intentions may only deal with such a matter once or twice in there tenure.

Apart from having to prepare and update the owner/occupier's role in most other States, the election is conducted entirely by the Electoral Commission. Whilst Council has undertaken this role in the past and has this option available to it, the question is, should it? What work remains if it's outsourced? What are the additional costs involved and are they worth the inherent risks and perceptions involved? How would the election be conducted? This is just provides room for thought.

Strategic Implications

Nil

Policy Implications

Nil

Budget/Financial Implications:

Provision has been made within the 2021/22 budget

Sustainability Implications

Environmental There are no known significant environmental considerations
Economic There are no known significant economic considerations
Social There are no known significant social considerations

Recommendation

That Council note the Returning Officer's Report on the October 2021 Ordinary Council Elections.

Voting Requirements

Simple Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

19.3 2021 Extraordinary Election

| | |
|--------------------|--|
| File: | 4.9 |
| Author: | Bill Boehm – Chief Executive / Returning Officer |
| Interest Declared: | No interest to disclose |
| Date | 17 September 2021 |
| Attachments: | Nil |

Matter for Consideration

Conduct of the Extraordinary Election required to fill one vacancy following the 2021 Ordinary Council Election

Background

As indicated in the previous Agenda Item at the close of the nomination period two nominations were received for the three vacancies on Council. The following persons have been elected to the office of councillor. until 18 October 2025.

FOULKES-TAYLOR, Emma

FOWLER, Shelly

As a result, an Extraordinary Election will be required to be held to fulfill the remaining vacancy

Statutory Environment

Provisions relating to an extraordinary election include the following

Local Government Act 1995

4.9 Election day for extraordinary election

- (1) *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
 - (a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
 - (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) *The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
 - (a) *fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
 - (b) *advise the CEO of the day fixed.*

4.37 New roll for each election

- (1) *An electoral roll is to be prepared for the election.*
- (2) *If the district is not divided into wards the same electoral roll can be used for the election of an elector mayor or president and the election of a councillor or councillors.*
- (3) *A new electoral roll need not be prepared for the election if —*
 - (a) *it is an extraordinary election the election day for which is less than 100 days after the election day for another election; and*
 - (b) *the CEO, with the approval of the Electoral Commissioner, decides that the roll that was used for the earlier election is suitable for use at the extraordinary election.*

4.47. Nominations, call for

- (1) *Statewide public notice calling for nominations of candidates for the election must be given on or after the 56th day, but not later than on the 45th day, before election day by —*
 - (a) *the Electoral Commissioner if the Electoral Commissioner is responsible for the conduct of the election; or*
 - (b) *the returning officer in any other case.*

4.49 How to make an effective nomination

The nomination of a candidate “amongst other things” is only effective if-

- (a) *a completed nomination paper, in the prescribed form, is received by the returning officer at the nomination place (by delivery, post, facsimile or other prescribed means) within the period beginning on the 44th day before election day and ending at 4 p.m. on the 37th day before election day (the **close of nominations**);*

Matters to Consider

The process for scheduling the Shire's extraordinary election, will need to consider:

- ~ Section 4.9(1) allows for the President to fix the extraordinary election day, if the Council has not already resolved to fix the day within one month after the vacancy occurs.
In this case the vacancy occurred as at the declaration of election result on 9 September and therefore if the Shire has a Council meeting between now and the 9 October, then this is the only time the decision can be made by Council resolution, otherwise it is up to the Shire President. This meeting provides such an opportunity.
- ~ Section 4.9(2) provides that the election day fixed for an extraordinary election must allow enough time for the electoral requirements to be complied with and it cannot be more than 4 months after the vacancy occurs unless approved by the Electoral Commissioner.
Note: 4 months after the vacancy occurred on 9 September 2021 will be 8 January 2022 (calculated in accordance with s.62 of the Interpretation Act 1984). Note the inconsistency between this calculation and the calculation below for 100 days.
- ~ Section 4.37(3) provides that a new residential and owners and occupiers roll does not need to be prepared if:
 - * It is required for an extraordinary election and the extraordinary election day is less than 100 days after the election day for another election. In this instance:
 - * **Election day** is defined under s.4.1 as meaning the day fixed under this Act for the holding of any poll needed for an election.
 - The Ordinary election day is specified under s.4.7 to be held on the 3rd Saturday in October every 2 years and in was on 16 October 2021.
 - 100 days after 16 October 2021 is 24 January 2022, but this is modified as per the note above.
 - * The CEO, with the approval of the Electoral Commissioner (obtained in writing) decides that the roll that was used for the earlier election is suitable for use at the ordinary election.
- ~ Section 4.39(4) provides that if a decision has been made under s.4.37(3), then there no notice is required to be published calling for enrolments / notice of the close of enrolments that would otherwise be required under s.4.39(3).

Given that the current roll has very recently been finalised, and that this additional work has potential costs and delays, as CEO I have determined under s4.37(3)(b) that it is suitable and have written to the Electoral Commissioner seeking his approval for the current roll to be used for this extraordinary election. At the time of preparing this Agenda Item a response has yet to arrive. If a contested election is required, the voters would be the very same ones applicable to the Ordinary Election.

The fixing of the extraordinary election day would have to allow sufficient time for compliance with the statutory notice requirements for the close of roll, as the Electoral Commissioner has discretion to refuse the Shire's request to use the 2021 ordinary election roll. If this occurred, the Shire would have to produce a relevant notice and the Act does not provide the ability to change an election date once fixed other than by Governor's order but only where it clashes with a Commonwealth or State Election. (s.4.1B)

In this respect the above the following minimum times to an election are applicable:

| Item | Current Roll | New Roll |
|--------------------|--|--|
| Enrolment Notice | Not applicable | Between 70 and 56 days before election day |
| Nomination Notice | Between 56 and 45 days before election day | Between 56 and 45 days before election day |
| Nominations Period | Between 44 and 37 days before election day | Between 44 and 37 days before election day |

Based on using the current roll, the minimum period would be 56 days from the day nominations are called for. ie an 8-week period. It also seems customary to have election day on a Saturday and to open and close of nominations on a Thursday. If all things were to be expedited, and assuming that Council is to run the extraordinary election, the earliest an election could be specified would be around 20 November 2021. For administrative reasons it would be perhaps desirable to allow a bit of leeway with the above minimum times.

Comment

Comments outlined in the previous Agenda Item relating to whom should run the extraordinary election are considered relevant although no change is proposed.

Whilst the 23 September 2021 Council Meeting is effectively the only time Council can make a decision on the election date, in lieu of the Shire President acting alone, given that at the time this Agenda Item was prepared approval from the Electoral Commissioner to use the current roll current has yet to be obtained, and to avoid any perceptions of any potential conflicts of interest that may or may not apply, it is suggested that the Shire President fix the election day as per the recommendation below.

In any event pursuant to s4.9(3) of the Act the this must be done by 9 October 2021 or that aspect, (fixing then election date) will fall to the Electoral Commissioner.

Strategic Implications

Nil

Policy Implications

Nil

Budget/Financial Implications:

Provision has been made within the 2021/22 budget. If the Electoral Commission were to undertake the work, additional costs as yet undetermined, may be required.

Sustainability Implications

Environmental There are no known significant environmental considerations

Economic There are no known significant economic considerations

Social There are no known significant social considerations

Recommendation

- 1 That Council note the Chief Executive / Returning Officer Returning Officer's Report on the 2021 Extraordinary Election.

Note it is assumed that the Shire will conduct the 2021 Extraordinary Election but if not, then this aspect needs to be decided upon prior to considering the next recommendation

- 2 That Council, having decided to undertake the 2021 Extraordinary Election agrees that the Shire President should fix the Election date.

Voting Requirements

Simple Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

19.4 WALGA State Conference Attendance

File:
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 20 September 2021
Attachments: Nil

Matter for Consideration

Ratification of the attendance of the Shire President and Cr Emma-Foulkes Taylor at the 2021 WALGA State Conference.

Comment

Information concerning Councillor attendance at the 2021 WALGA State Conference has been circulated to all councillors over the past two months with every councillor given an opportunity to attend. Cr Emma Foulkes Taylor was the only councillor to express an interest, along with the Shire President. As a result, arrangements were made for both to attend.

Opportunities to attend the conference are not always taken up and it is not every year that Murchison is represented. Last year was such a case. Having an attendance this year is important.

It was intended that there would be a discussion and formal resolution at the August Council Meeting concerning the matter, but due to an oversight this did not occur. Under Policy 2.2 (Councillor Expenses) the Shire President has an automatic right to attend but the matter should have been formally discussed and Cr Emma-Foulkes-Taylor's attendance agreed to.

Accordingly, given that the conference is scheduled for 20 and 21 September 2021, prior to the Council Meeting and that the time of preparing the agenda, and that both have attended; formal ratification of actions undertaken is requested.

Policy Implications

Policy 2.2 (Councillor Expenses)

Budget/Financial Implications:

Accommodated within the Councillors Training Budget.

Recommendation

That Council ratify the attendance of the Shire President and Cr Emma-Foulkes Taylor at the 2021 WALGA State Conference and the actions taken to put this into effect.

Voting Requirements

Absolute Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

20 CEO ACTIVITY REPORT

File:
 Author: Bill Boehm – Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 17 September 2021
 Attachments: Nil

General

Summary of activities which highlights the areas worked in is shown as follows:

| Date | Activity |
|--------------------------|--|
| 30.08.2021 | Pre-Council Meeting Prep. Roads to Recovery |
| 31.08.2021 | Council Meeting. Audit Committee Meeting |
| 1.09.2021 | Council Meeting Follow up. Election Work. Meeting with Finance Manager, Works Manager & Community Manager DCEO |
| 2.09.2021 to 3.09.2021 | Council Meeting Follow up. Regional Roads Group Submissions. Election Work |
| 4.09.2021 | Council Meeting Follow up. Election Work |
| 6.09.2021 | Meeting with Works Manager @ Depot. Briefing with Finance Manager. Meeting with Shire President. Monologue contribution |
| 7.09.2021 | Roads to Recovery. Monologue Work. Election Work. Brief Meeting with Shire President. Teams Meeting with UDLA & co over roadhouse precinct |
| 8.09.2021 | Roads to Recovery. Monologue Work. Election Work |
| 9.09.2021 | Election Work. Recruitment Work |
| 10.09.2021 | Election Work. Recruitment Work. Regional Roads Group. Meeting with Works Manager |
| 12.09.2021 | Attend to Emails |
| 13.09.2021 | TOIL. Emails Survey responses |
| 14.09.2021 | TOIL |
| 15.09.2021 | DRWFA Return. Election follow up. Policy Manual Review |
| 16.09.2021 | Policy Manual Review. Main Roads Regional Roads Review. Meetings with Community Manager DCEO and Works Manager |
| 17.09.2021 | Policy Manual Review. Agenda & Finance Work |
| 18.09.2021 to 20.09.2021 | Agenda & Finance Work |

Recommendation

That Council note the CEO's Activity Report

Voting Requirements

Simple Majority

| | | |
|-------------------------|---------------------|----------------|
| Council Decision | | |
| Moved: Cr | Seconded: Cr | |
| Carried/Lost | For | Against |

21 ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

22 MEETING CLOSURE

The Shire President closed the meeting at.