

# SPECIAL COUNCIL MEETING

## Minutes

Meeting Date Thursday 22 February 2024

Meeting Time 5:00 pm

Held at Chapman Valley Administration Office, 3270 Chapman Valley Road,  
Nabawa WA 6532, Council Chambers.

*"A thriving community, making the most of our coastline, ranges and rural settings  
to support us to grow and prosper"*



SHIRE OF

**Chapman Valley**

*love the rural life!*

**Jamie Criddle**  
Chief Executive Officer

## ACKNOWLEDGEMENT OF COUNTRY

The Shire of Chapman Valley would like to respectfully acknowledge the Naaguja peoples who are the traditional owners and first people of the land on which we stand.

We would like to pay our respect to the elders past, present and emerging for they hold the memories, the traditions, the culture and hopes of the Naaguja peoples.

## DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on WRITTEN CONFIRMATION of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

## Table of Contents

<b>1</b>	<b>Declaration of Opening &amp; Announcements of Visitors .....</b>	<b>5</b>
<b>2</b>	<b>Announcements from the Presiding Member.....</b>	<b>5</b>
<b>3</b>	<b>Record of Attendance.....</b>	<b>5</b>
<b>3.1</b>	<b>Attendees.....</b>	<b>5</b>
<b>3.2</b>	<b>Apologies.....</b>	<b>6</b>
<b>3.3</b>	<b>Previously Approved Leave of Absence (By Resolution of Council) .....</b>	<b>6</b>
<b>4</b>	<b>Public Question Time .....</b>	<b>6</b>
<b>4.1</b>	<b>Response to Previous Public Questions on Notice.....</b>	<b>6</b>
<b>4.2</b>	<b>Public Question Time .....</b>	<b>6</b>
<b>5</b>	<b>Applications for Leave of Absence .....</b>	<b>7</b>
<b>6</b>	<b>Disclosure of Interest .....</b>	<b>7</b>
<b>7</b>	<b>Presentations .....</b>	<b>7</b>
<b>7.1</b>	<b>Petitions.....</b>	<b>7</b>
<b>7.2</b>	<b>Presentations .....</b>	<b>7</b>
<b>7.3</b>	<b>Deputations .....</b>	<b>8</b>
<b>8</b>	<b>Confirmation of Minutes from Previous Meetings .....</b>	<b>8</b>
<b>8.1</b>	<b>Confirmation of Minutes of Previous Meetings - Nil.....</b>	<b>8</b>
<b>9</b>	<b>Items to be dealt with En Bloc .....</b>	<b>8</b>
<b>10</b>	<b>Officer Reports .....</b>	<b>9</b>
<b>10.1</b>	<b>Manager of Finance &amp; Corporate Services.....</b>	<b>9</b>
<b>10.1.1</b>	<b>Manager of Finance &amp; Corporate Services .....</b>	<b>9</b>
<b>10.2</b>	<b>Chief Executive Officer.....</b>	<b>12</b>
<b>10.2.1</b>	<b>2022/2023 Annual Report and Annual General Meeting of Electors .....</b>	<b>12</b>
<b>11</b>	<b>Elected Members Motions .....</b>	<b>16</b>
<b>12</b>	<b>New Business of an Urgent Nature Introduced by Decision of the Meeting.....</b>	<b>16</b>
<b>13</b>	<b>Delegates Reports.....</b>	<b>16</b>
<b>14</b>	<b>Announcements by Presiding Member Without Discussion .....</b>	<b>17</b>
<b>15</b>	<b>Matters for which Meeting to be Closed to Members of the Public.....</b>	<b>17</b>
<b>16</b>	<b>Closure .....</b>	<b>17</b>

## 1 Declaration of Opening & Announcements of Visitors

Chief Executive Officer, Jamie Criddle opened the meeting and in absence of the Shire President and with Deputy President (via remote dialling), called for a chairperson from the floor.

### **Council Resolution**

**Moved:** Cr Emma Rodney **Seconded:** Cr Elizabeth Elliott-Lockhart

That Cr Philip Blakeway be elected as chair for this meeting in absence of Shire President and Deputy President (remote).

**For** Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart and Cr Nicole Batten

**Against** Nil

5 / 0

**CARRIED UNANIMOUSLY**

**Minute Reference SCM 2024/02-1**

Cr Philip Blakeway welcomed elected members, staff and visitors to the council meeting and declaring the meeting open at 5:11 pm.

The Shire acknowledged the traditional landowners through the reading of our Acknowledgement of Country.

*“The Shire of Chapman Valley would like to respectfully acknowledge the Naaguja peoples who are the traditional owners and first people of the land on which we stand.*

*We would like to pay our respect to the elders past, present and emerging for they hold the memories, the traditions, the culture and hopes of the Naaguja peoples.”*

## 2 Announcements from the Presiding Member

## 3 Record of Attendance

### 3.1 Attendees

The following attended the council meeting:

#### **Elected Members**

Cr Nicole Batten (Deputy President)  
Cr Philip Blakeway  
Cr Elizabeth Elliott-Lockhart  
Cr Catherine Low  
Cr Emma Rodney

#### **Officers**

Jamie Criddle, Chief Executive Officer

Simon Lancaster, Deputy Chief Executive Officer  
Dianne Raymond, Manager Finance & Corporate Services  
Beau Raymond, Minute Taker

## Visitors

Nil

## 3.2 Apologies

Cr Kirrilee Warr (President)  
Cr Trevor Royce

## 3.3 Previously Approved Leave of Absence (By Resolution of Council)

Nil

## 4 Public Question Time

### 4.1 Response to Previous Public Questions on Notice

Nil

### 4.2 Public Question Time

**Local Government Act 1995**  
**SHIRE OF CHAPMAN VALLEY**  
**Standing Orders Local Law 2016**  
**Part 6 - Public participation**

#### 6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

#### 6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
  - (a) a response is given to the member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
  - (a) declare that he or she has an interest in the matter; and

- (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:
- (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
- (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
- (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

## **5 Applications for Leave of Absence**

Nil

## **6 Disclosure of Interest**

Nil

## **7 Presentations**

### **7.1 Petitions**

The Council has not received any petitions at the time of writing this report.

### **7.2 Presentations**

The Council does not anticipate any presentations at the time of writing this report.

### **7.3 Deputations**

The Council has not received any deputations at the time of writing this report.

## **8 Confirmation of Minutes from Previous Meetings**

Nil

## **9 Items to be dealt with En Bloc**

Nil

UNCONFIRMED

## 10 Officer Reports

### 10.1 Manager of Finance & Corporate Services

<b>10.1.1</b>	<b>Manager of Finance &amp; Corporate Services</b>
<b>Department</b>	Finance, Governance & Corporate Services Administration & Governance
<b>Author</b>	Dianne Raymond
<b>Reference(s)</b>	403.05 and 305.00
<b>Attachment(s)</b>	1. Feb 24 FARM Agenda Attachments [10.1.1.1 - 197 pages]

#### Voting Requirements

Simply Majority

#### Staff Recommendation

That Council receives and endorse the Finance, Audit and Risk Management Committee Minutes with all compliance matters be attended to per legislation.

#### Council Resolution

**Moved:** Cr Emma Rodney **Seconded:** Cr Elizabeth Elliott-Lockhart

That Council receives and endorse the Finance, Audit and Risk Management Committee Minutes with all compliance matters be attended to per legislation.

**For** Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart and Cr Nicole Batten

**Against** Nil

5 / 0

**CARRIED UNANIMOUSLY**  
**Minute Reference SCM 2024/02-2**

#### Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

#### Background

The Shire of Chapman Valley Finance, Audit & Risk (FARM) Committee met on 22 February 2024 where staff presented the annual audit opinion, compliance audit return and internal controls & risk management report. Minutes of the meeting are supplied under separate cover due to the timing of meetings.



## **Comment**

In relation to the annual audit the concluding audit exit interview was attended by the Shire President, Cr Rodney, Chief Executive Officer, Manager of Finance & Corporate Services and reporting Management Accountant via teleconference with the Office of Auditor General and Nexia Australia. The audit did not identify any significant deficiencies in internal controls or key risk related areas.

In relation to deficiencies shown in the Regulation 17 Audit (whereby the Chief Executive Officer must biennially review systems and procedures for the appropriateness and effectiveness relating to risk management, internal control and legislative compliance) the consultant recommendations of communication with senior staff will be addressed at once. Consideration of the organisational structure and succession planning will be discussed with staff with the aim to reduce gaps in knowledge.

## **Statutory Environment**

The report complies with the requirements of the:  
Local Government Act 1995 & Local Government Audit Regulations 1996

## **Policy/Procedure Implications**

No Policy or Management Procedure affected.

## **Financial Implications**

No Financial Implications Identified.

## **Strategic Implications**

No effect on the Long-Term Financial Plan

## **Strategic Community Plan/Corporate Business Plan Implications**

### **GOVERNANCE & ACCOUNTABILITY**

5.1 Ensure governance and administration systems, policies and processes are current and relevant.

5.1.1 Review policy categories and set ongoing accountability for review processes.

### **GOVERNANCE & ACCOUNTABILITY**

5.3 Make informed decisions within resources and areas of responsibility.

5.3.2 Regular and relevant briefings to Elected Members.

## **Consultation**

Elected Members and relevant staff discussed the matters at committee and audit exit meetings

## **Risk Assessment**

An Insignificant Compliance Risk of Level 1 - Which will likely result in no noticeable regulatory or statutory impact.

## 10.2 Chief Executive Officer

### 10.2.1 2022/2023 Annual Report and Annual General Meeting of Electors

<b>Department</b>	Finance, Governance & Corporate Services Chief Executive Officer
<b>Author</b>	Jamie Criddle
<b>Reference(s)</b>	413.01
<b>Attachment(s)</b>	1. Annual Report 2022-2023 [10.2.1.1 - 66 pages]

### Voting Requirements

Staff Recommendation 1 - Absolute Majority

Staff Recommendation 2 - Simply Majority

### Staff Recommendation 1 (*Absolute Majority Vote Required*)

That Council accepts the Annual Report for the 2022/2023 Financial Year as required by s5.54 of the *Local Government Act 1995* as presented.

### Council Resolution

**Moved:** Cr Elizabeth Elliott-Lockhart **Seconded:** Cr Emma Rodney

That Council accepts the Annual Report for the 2022/2023 Financial Year as required by s5.54 of the *Local Government Act 1995* as presented.

**For** Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart and Cr Nicole Batten

**Against** Nil

5 / 0

**CARRIED UNANIMOUSLY**  
**Minute Reference SCM 2024/02-3**

### Staff Recommendation 2 (*Simple Majority Vote Required*)

That Council

1. Receives and accepts the Auditors Financial Report for 2022/2023;
2. Receives and accepts the Auditors Management Report 2022/2023;
3. Set the date for the Annual General Meeting of Electors for the 21 March 2024, commencing 5.00pm at the Nabawa Council Chambers and advertise the meeting accordingly.
4. Request the Chief Executive Officer give local public notice of the availability of the Annual Report as required by s5.55 of the Act;
5. Publish the Report on the Shire Website within 14 days of Council acceptance in accordance with s5.55A of the Act;

6. Provides a copy of the Shire of Chapman Valley 2022/2023 Annual Report to the Director General of the Department of Local Government.

### **Council Resolution**

**Moved:** Cr Katie Low    **Seconded:** Cr Elizabeth Elliott-Lockhart

That Council

1. Receives and accepts the Auditors Financial Report for 2022/2023;
2. Receives and accepts the Auditors Management Report 2022/2023;
3. Set the date for the Annual General Meeting of Electors for the 21 March 2024, commencing 5.00pm at the Nabawa Council Chambers and advertise the meeting accordingly.
4. Request the Chief Executive Officer give local public notice of the availability of the Annual Report as required by s5.55 of the Act;
5. Publish the Report on the Shire Website within 14 days of Council acceptance in accordance with s5.55A of the Act;
6. Provides a copy of the Shire of Chapman Valley 2022/2023 Annual Report to the Director General of the Department of Local Government.

**For** Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart and Cr Nicole Batten

**Against** Nil

5 / 0

**CARRIED UNANIMOUSLY**  
**Minute Reference SCM 2024/02-4**

### **Disclosure of Interest**

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

### **Background**

The purpose of this item is to accept the Shire of Chapman Valley 2022/2023 Annual Report, receive the Auditors Report and Management Letter and set a date/time for the Annual General Meeting of Electors.

When considering setting a date for the Annual General Meeting of Electors it is a requirement of s5.27 '*Electors General Meeting*' of the *Local Government Act 1995* this meeting can be no later than 56 days after accepting the Annual Report (this will be 18 April 2024 if Annual Report is accepted at today's meeting).

The Shire of Chapman Valley last held the Annual General Meeting of Electors for 2021/2022 financial year on 6 February 2023 at the Council Chambers.

### **Comment**

The Staff Recommendation is suggesting the date, time and location to hold the next Annual General Meeting of Electors as being:

- Thursday 21 March 2024
- Commencing at 5.00pm

- Council Chambers, Nabawa

As mentioned, the Act stipulates the Annual General Meeting of Electors must be held not more than 56 days after the local government accepts the annual report for the previous financial year. Therefore, as mentioned, the latest date the meeting could be held is the 18 April 2024.

## **Statutory Environment**

The report complies with the requirements of the:  
Local Government Act 1995

The *Local Government Act 1995* states the following:

### **“5.27. Electors’ general meetings**

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but **not more than 56 days after the local government accepts the annual report for the previous financial year.***
- (3) *The matters to be discussed at general electors’ meetings are to be those prescribed.”*

### **5.29. Convening electors’ meetings**

- (1) *The CEO is to convene an electors’ meeting by giving -*
  - (a) *at least 14 days’ local public notice; and*
  - (b) *each council member at least 14 days’ notice of the date, time, place and purpose of the meeting.*
- (2) *The local public notice is referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting is held.*

### **5.32. Minutes of electors’ meetings**

*The CEO is to-*

- (a) *Cause minutes of the proceedings at an electors’ meeting to be kept and preserved; and*
- (b) *Ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors’ meeting are first considered*

### **5.33. Decisions made at electors’ meeting**

- (1) *All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable –*
  - (a) *At the first ordinary council meeting after the meeting; or*
  - (b) *At a special meeting called for that purpose, whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

### **5.54. Acceptance of annual reports**

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government **no later than 31 December after that financial year.***

*\*Absolute majority required.*

#### **5.55. Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

### **Policy/Procedure Implications**

No Policy or Management Procedure affected.

### **Financial Implications**

No Financial Implications Identified.

### **Strategic Implications**

#### **Strategic Community Plan/Corporate Business Plan Implications**

#### **GOVERNANCE & ACCOUNTABILITY**

5.1 Ensure governance and administration systems, policies and processes are current and relevant.

5.1.1 Review policy categories and set ongoing accountability for review processes.

### **Consultation**

The Shire President, relevant staff and the Shire's Auditors have been consulted and had input into the development of the 2022/2023 Annual Report.

Members of the Shire of Chapman Valley's Finance Audit & Risk Management Committee were invited to take part in the "Audit Exit Meeting" with the Office of the Auditor General.

### **Risk Assessment**

An Insignificant Compliance Risk of Level 1 - Which will likely result in no noticeable regulatory or statutory impact.

An Insignificant Reputational Risk of Level 1 - Which will likely result in unsubstantiated, low impact, low profile or 'no news' item.

## **11 Elected Members Motions**

The Council has not received any notice of motion from an elected member at the time of writing this report.

## **12 New Business of an Urgent Nature Introduced by Decision of the Meeting**

Nil

## **13 Delegates Reports**

Nil

UNCONFIRMED

## 14 Announcements by Presiding Member Without Discussion

## 15 Matters for which Meeting to be Closed to Members of the Public

### Local Government Act 1995

#### Administration Part 5

#### Council meetings, committees and their meetings and electors'

#### meetings Division 2

#### s. 5.23

The council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees; and
  - (b) the personal affairs of any person; and
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret; or
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
  - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for.

The Council has no confidential items for consideration.

## 16 Closure

Cr Philip Blakeway thanked Elected Members and Staff for their attendance and closed the Special Council Meeting 22 February 2024 at 5:21 pm.

UNCONFIRMED