

SHIRE OF WEST ARTHUR



Minutes of the Annual Electors Meeting of the Shire of West Arthur held on Tuesday 9 February 2021 at the Darkan Town Hall, Butler Street, Darkan.

In accordance with the Local Government Act 5.27 (3) Administration Regulations 15 the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business

1000 ATTENDANCE

COUNCILLORS

Cr Kevin King	Shire President
Cr Neil Morrell	Deputy Shire President
Cr Graeme Peirce	
Cr Marie Lloyd	
Cr Julie McFall	
Cr Adam Squires	
Cr Neil Manuel	

STAFF

Nicole Wasmann	Chief Executive Officer
William (Bill) Owen	Works Manager
Melinda King	Manager – Financial Reporting
Maxine McKenzie	Manager – Financial Operations

ELECTORS

Chris Buller,	Estelle Buller,	Karyn Buller,	Geoff Bunce,
Kim Bunce,	Arthur Brown,	Kerryn Chia,	Frank Chia,
Ben Chiswell,	Lehua Chiswell,	Sheila Curnow,	Scott DeGaris,
Brigid Doudle	Anne Doudle,	Paul Doudle,	Sadie English
Kym Gibbs,	Jason Gibbs,	Heather Gibbs,	Eloisa Goss,
Michael Goss,	Beryl Harrington,	Clinton Harrington,	David Harrington
Phil Harrington,	Ray Harrington	Tim Harrington,	Gerry Hartnett,
Jenny Hosking,	Nick Hosking	Rodney Hulse	Peta Hulse,
Steven Hulse	Jeremy King,	Robyn King,	Greg Lloyd,
Tom Lloyd,	Craig Lubcke,	Helen Lubcke,	Robyn Lubcke,
Peter Manuel,	Michael Meredith,	Peter McKenzie,	Bruce McGowan,
Nicki Morrell,	Ian Peirce,	Teresa Peirce,	Shane Plank,
Karen Prowse,	Stuart Putland,	Marj Quartermaine,	Ben Robinson,
Gary Robinson,	James Scanlon,	Adrian South,	Jacque South
Julie South,	David South,	Duncan South,	Lomond South,
Maureen South,	Rebecca South,	Carol Standish,	Pam Stockley,
Leigh Studsor,	Ashleigh Telfer,	Roger Telfer,	Ross Wales,
David Warren	Peter Wharton,	Bruce Whitaker,	Janette Whitaker
Ryan Wilkie,	Jim Wisniewski	Barbara Woodruff,	Ian Woodruff,
Judy Wunnenberg			

1001 APOLOGIES

Mary Dew,	Wayne Stockley,	Kerrie Putland
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2000 ANNUAL REPORT FOR THE YEAR ENDING 30 JUNE 2020

A request was received to change the word 'resignation' to 'retirement' on the first line of paragraph two of the President's report.

Moved: Cr Neil Manuel

Seconded: Cr Marie Lloyd

That the Annual Report for the year ending 30 June 2020 as presented, be received with the word 'resignation' changed to 'retirement' on the first line of paragraph two of the President's report.

3000 BUSINESS ARISING FROM PREVIOUS ELECTORS MEETING

There was no business arising from the Minutes of the Electors Meeting held on 6 February 2020.

4000 GENERAL BUSINESS

4100 QUESTIONS WITH NOTICE

The following questions were received from Phillip Harrington prior to the closing date being 2 February 2021.

1. In the last 10 years how many years has the Shire ended the year with a surplus?

The President advised that the Shire has finished every year with a surplus for the past ten years.

2. In the last 10 years has there ever been a non-compliant audit report?

The President advised that the Shire has not had a non-compliant audit report for the past ten years.

3. Are council meeting conversations about matters of council meant to be kept confidential?

The President confirmed that Council meetings are generally open to the public and matters discussed in an open meeting are not confidential. A Council meeting may be closed in order to deal with confidential matters in accordance with s.5.23 of the *Local Government Act 1995*. If a meeting is closed to the public, then Councillors and employees have individual legal responsibilities to maintain the confidentiality of information acquired in a closed meeting.

4. Is the Council president allowed to insist councillors sign a confidentiality agreement at any meeting about Council matters?

The President responded that councillors and employees have individual legal responsibilities to maintain the confidentiality of information acquired in a closed meeting. Therefore there is no need for a confidentiality agreement. In some limited circumstances where a Council is dealing with a third party, such as a Government agency, that party may require any person accessing certain information to sign such an agreement.

The President further advised, that as an individual, the he has no power to direct Councillors or the CEO, except in the context of a formal Council Meeting when they are fulfilling their role as presiding member in accordance with the Shire of West Arthur Standing Orders Local Law.

5. Under what circumstances does the Local Government Act allow for the council president to call for a special meeting of all councillors without the CEO or any staff in attendance?

The President indicated that the role of the Shire President is to provide leadership and guidance to the community and the Council. As part of this role, the Shire President may invite Councillors to meet informally and have a conversation about matters such as Councillor behaviour.

Further, in accordance with section 5.4 of the Local Government Act a special meeting of a Council may be called by the President in a notice to the CEO. The Council may close the meeting or part of the meeting to members of the public (including staff) if the meeting deals with matters identified in section 5.23 (2) of the Act.

6. In relation to the meeting of all councillors called by the president held on or about 22nd of December at the CRC:

- a. Why was there no CEO or staff in attendance?

The President advised that the meeting was an informal gathering which did not concern CEO or staff.

- b. Were minutes taken and are they to be made available to the public?

The President advised that minutes were not taken and it was not necessary as it was an informal gathering

- c. Was the required notice to the public of this meeting given?

As it was not a formal meeting, the President advised that no notice was required.

- d. Why was the meeting held at the CRC instead of the normal practise of having meetings at council chambers?

The President advised that as the discussion was between councillors there was no need to have others involved.

- e. Were councillors asked to sign a confidentiality agreement prior to this meeting beginning?

The President advised that councillors were not asked to sign a confidentiality agreement.

- f. If the answer to question e is yes did all councillors sign this agreement?

As the answer to e was no, the President confirmed that this question was no applicable.

- g. If the answer to question f is yes, are these agreements held at the council offices, if not, why not, and where are they being held?

As the answer to f was no, the President confirmed that this question was not applicable.

7. Regarding the issues with the maintenance of the Arthur River fire truck, is it correct that the issues were resolved by members of the Arthur River Bushfire Brigade, Council staff and the Chief Fire Control Officer prior to the December council meeting?

The President confirmed that the maintenance had been carried out and procedures had been put in place prior to December. Since December, other issues have been dealt with in the proper manner.

4200 QUESTIONS WITHOUT NOTICE

The President invited electors to ask questions. Multiple electors contributed comments and discussion ensued on a range of matters, detailed below:

- Council Member behaviour obligations under the Shire's Code of Conduct;
- Council's role as the CEO's employer and CEO employment matters;
- Community support for the Shire's administration;
- Shire's financial performance and capital works program;
- Shire's asset and plant maintenance program.

During this part of the meeting, an elector was ejected.

Motion:

Moved: Michael Meredith

Seconded: Ray Harrington

That the current Shire President has lost the confidence of the ratepayers and should therefore be replaced.

Amendment:

Moved Ray Harrington.

to add "for breaching Code of Conduct 5.4 over 4 years".

Amendment lapsed for want of a seconder.

Amendment

Moved Rodney Hulse.

That we have lost faith in the Council.

Amendment lapsed for want of a seconder.

The original motion was then put:

DECISION

Moved: Michael Meredith

Seconded: Ray Harrington

That the current Shire President has lost the confidence of the ratepayers and should therefore be replaced.

For – 29
Against – 7

4300 OTHER GENERAL BUSINESS AS PERMITTED BY PRESIDENT

- **School Bus Services for High School Aged Children**

A request was made for support for local children to have access to Collie High School on school bus. It was acknowledged the Shire would do what it could to assist.

- **Medical Refrigerator**

A request was made for support for a medical refrigerator at the Health and Resource Centre, which was vital for pre-filled injections. The request is to be investigated.

- **Derelict Buildings**

Reference was made to the previous year's electors meeting when derelict buildings was raised and it was noted that the issue had not been resolved. The comments were taken on board with acknowledgement that investigation into options for the Shire to address the issue would take place.

- **Roads**

The Shire was complimented on the very high standard of roads. Reference was made to the poor condition of Coalfields Highway in the Shire of West Arthur in comparison to the South West section. Concern was raised about the impact of increased livestock transport on gravel roads because of a sheep feed lot in Woodanilling.

- **Water**

Discussion was held regarding community access to water with options for an additional community standpipe and tank in Growden Place, improving supply at Rees Road and Gorn Road non potable standpipes, changing the access to the Quindanning Road fire standpipe, and use of other aquifers were raised.

4400 NOTE

- As per the minutes of the Annual Electors Meeting held on 24th March 2022, these confirmed minutes have been amended to note the comments made by Kevin King that "the Shire has been involved in corruption over the last ten years, we have paperwork to prove it and there is more to come".

5000 CLOSURE

The President declared the meeting closed at 7.58pm.