



**SHIRE OF MENZIES**

# Minutes

**OF THE SPECIAL MEETING OF THE COUNCIL  
HELD ON**

**THURSDAY, 14 NOVEMBER 2024**

**Commencing at 4.00 pm**

**At the Council Chambers,  
124 Shenton Street, Menzies**

A handwritten signature in black ink, appearing to read "Kristy".

**Kristy Van Kuyl  
Acting Chief Executive Officer**

Resolution Numbers 174/24 to 180/24

## **DISCLAIMER**

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation of approval made by a member or officer of the Shire of Menzies during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Menzies. The Shire of Menzies warns that anyone who has an application lodged with the Shire of Menzies must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Menzies in respect of the application.

## **DECLARATIONS OF INTEREST**

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to a Proximity or Financial interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

## **Councillor Meeting Information**

### **Shire of Menzies Council Meetings**

Council Members are bound by legislation to act with integrity and make decisions for the whole of the Shire.

#### **Attending meetings**

Council Members have a duty to attend all the Council Meetings to ensure that electors are adequately represented. In recognition of this, under the *Local Government Act 1995* a Council Member who is absent from three consecutive meetings of the Council without leave being granted by the Council, is automatically disqualified. If a member wishes to be absent for more than six consecutive ordinary meetings, Ministerial approval is necessary as well as the Council approval.

It should be noted that applications for leave of absence are usually supported but must be approved by the Council before, or at, the meeting(s) the Council Member is to be absent from. Leave of absence cannot be approved retrospectively.

#### **Voting at meetings**

If a Council Member is present at a Council Meeting, he or she is required by law to vote on all matters before that meeting unless he or she has a financial interest in the matter. Agendas are delivered to the Council Members within the required timeframes of the Local Government Act 1995, being a minimum of seventy-two (72) hours prior to the advertised commencement of the meeting. While late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Council Members are required to give due consideration to all matters contained in the agenda. Without adequate time for reading the agenda, it is extremely difficult for the Council Members to make effective assessments of issues and provide constructive input to the Council debate and decision making. It is recommended that further information be requested if there is insufficient material available to make an informed decision.

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## **1 DECLARATION OF OPENING**

The Shire President, as Presiding Member declared the meeting open at 4.03 pm.

Cr G Dwyer confirmed that he was alone in a secure location at Pine Lodge Mine, Niagara, which was suitable for discussing confidential matters. Accordingly, he applied for approval to attend the Council Meeting by electronic means.

Cr I Baird confirmed that he was in a secure and private location at 53B Millen Street, Boulder, which was suitable for discussing confidential matters. Accordingly, he applied for approval to attend the Council Meeting by electronic means.

The Shire President was satisfied that Cr G Dwyer and Cr I Baird were in secure locations appropriate for discussing confidential matters. The Shire President was also satisfied that the equipment each member intended to use was suitable for effective engagement and allowed for their full participation in the meeting.

## **2 ANNOUNCEMENT OF VISITORS**

Nil

## **3 RECORD OF ATTENDANCE**

Councillors:           Cr P Warner, Shire President  
                              Cr S Sudhir, Deputy Shire President  
                              Cr G Dwyer (joined electronically at 4.03pm)  
                              Cr J Dwyer  
                              Cr A Tucker  
                              Cr I Baird (joined electronically at 4.04pm)  
                              Cr K Tucker

Staff:                    Ms K Van Kuyl, Acting CEO/Chief Financial Officer  
                              Ms M Yulo-Uy, Executive Officer (Minutes)

## **4 PUBLIC QUESTION TIME**

Nil

## **5 APPLICATION BY MEMBERS**

Nil

**6 DISCLOSURES OF INTEREST**

Name	Item No	Interest	Nature
K Van Kuyl, Acting CEO/ CFO	Item 10.1 Appointment of Acting Chief Executive Officer	Financial	The name and position title of the CFO are mentioned in the officer's recommendation.

**7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

Item 10.1 Appointment of Acting Chief Executive Officer

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

# 9 REPORTS OF OFFICERS

## 9.1 Finance Reports - Nil

## 9.2 Administration Reports

<b>9.2.1</b>	<b>Date Change for the November Ordinary Council Meeting</b>
<b>LOCATION</b>	<b>Not Applicable</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM1393</b>
<b>DATE OF REPORT</b>	<b>12 November 2024</b>
<b>AUTHOR</b>	<b>Executive Officer, Maureen Yulo-Uy</b>
<b>RESPONSIBLE OFFICER</b>	<b>Acting Chief Executive Officer, Kristy Van Kuyl</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

**SUMMARY:**

To consider a change to the date of the November 2024 Ordinary Council Meeting.

**BACKGROUND:**

The November Ordinary Council Meeting was previously scheduled for Thursday, 28 November 2024. Due to the need to attend the Drought Resilience Plan Subregional Workshop, hosted by the Goldfields-Esperance Development Commission (GEDC), in Leonora on 28 November 2024, and the Goldfields Voluntary Regional Organisation of Councils (GVROC) meeting in Laverton on 29 November, both of which require representation from the Shire of Menzies, a change of date is necessary. While the GVROC meeting is scheduled for 29 November, sufficient time is required for travel and preparation.

**COMMENT:**

All Council Members are invited to attend the Drought Resilience Plan Subregional Workshop, while the GVROC meeting will be attended by representatives of the Council.

**CONSULTATION:**

No external consultation occurred during this report's preparation.

**STATUTORY AUTHORITY:**

Section 5.25 of the *Local Government Act 1995* allows a council to change the date or time of a meeting, provided the change is properly noticed.

Regulation 12 of the *Local Government (Administration) Regulations 1996* outlines the procedure for the giving of notice for council meetings, including any changes to the date or time.

**POLICY IMPLICATIONS:**

There are no policy implications arising from this report.

**FINANCIAL IMPLICATIONS:**

There are no financial implications arising from this report.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
If the Shire of Menzies is not represented, there may be missed opportunities to influence regional planning and decision-making, and the Shire’s interests may not be adequately represented.	Medium	Reschedule the November Ordinary Council Meeting to allow for Shire representation at both the Drought Resilience Plan Subregional Workshop and the GVROC meeting.  Ensure that a representative from the Shire of Menzies attends the meetings to represent the Shire's interests and contribute to key regional discussions.

**STRATEGIC IMPLICATIONS:**

The Shire’s Strategic Community Plan 2021-2031 outlines the following Outcomes and Strategies:

Outcome:

4.1 A strategically focused Council, leading our community.





## 10 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS

### Item 10.1 Appointment of Acting Chief Executive Officer

This item is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- a. a matter affecting an employee or employees
  
- e. a matter that if disclosed, would reveal: 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.

#### OFFICER RECOMMENDATION/ COUNCIL DECISION:

<b>Council Resolution Number:</b>	<b>175 / 24</b>
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**Moved: Cr S Sudhir**

**Seconded: Cr J Dwyer**

**That in accordance with Section 5.23(2) of the *Local Government Act 1995* the meeting be closed to members of the public to consider Item 10.1 Appointment of Acting Chief Executive Officer.**

<b>Carried</b>	<b>7 / 0</b>
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**For: Cr P Warner, Cr S Sudhir, Cr G Dwyer, Cr J Dwyer, Cr A Tucker, Cr I Baird and Cr K Tucker**  
**Against: Nil**

The Acting Chief Executive Officer/Chief Financial Officer and the Executive Officer left the meeting room at 4.12 pm.

#### SUSPENSION OF STANDING ORDERS:

#### COUNCIL DECISION:

<b>Council Resolution Number:</b>	<b>176 / 24</b>
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**Moved: Cr S Sudhir**

**Seconded: Cr J Dwyer**

**That Standing Orders be suspended to allow discussion.**

<b>Carried</b>	<b>7 / 0</b>
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**For: Cr P Warner, Cr S Sudhir, Cr G Dwyer, Cr J Dwyer, Cr A Tucker, Cr I Baird and Cr K Tucker**  
**Against: Nil**



