

SHIRE OF CORRIGIN AGENDA



23
October
2017

SPECIAL COUNCIL MEETING

Agenda for the Special Council Meeting to be held on Monday 23 October 2017 commencing at 7.30pm in the Council Chambers.

Please note: the meeting will be preceded by a swearing in ceremony for Councillors-elect at 7.15pm.

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SWEARING-IN OF NEW COUNCILLORS PRIOR TO THE MEETING

I, Michael Weguelin, Justice of the Peace will be in attendance to swear-in new Councillors, who will be required to make the following declaration:

Declaration by elected member

I,.....

of ¹,

having been elected to the office of councillor of the Shire of Corrigin 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 on.....

By

Before me:

¹ Insert your residential address.

1. DECLARATION OF OPENING

Note: As this is the first meeting following the ordinary election conducted on 21 October 2017 the Local Government Act 1995 provides that the Chief Executive Officer will preside over the opening of the meeting and conduct the election for the Office of the Shire President.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillors

Cr. L Baker
Cr. S G Hardingham
Cr. B D Praetz
Cr. D L Hickey
Cr. M B Dickinson
Cr. F R Gilmour

Chief Executive Officer
Deputy Chief Executive Officer
Justice of the Peace
Recruitment Services Manager, WALGA (Item 9.4)

R L Paull
T L Dayman
M A Weguelin
L Highfield

3. PUBLIC QUESTION TIME

4. DECLARATIONS OF INTEREST

5. ELECTION OF PRESIDENT

| | |
|-------------------------|------------------------------------|
| Applicant: | Shire of Corrigin |
| Location: | Shire of Corrigin |
| Date: | 20 October 2017 |
| Reporting Officer: | Rob Paull, Chief Executive Officer |
| Disclosure of Interest: | No interest to disclose |
| File Number: | GOV 0021 |
| Attachment Reference: | Attachment No.5 |

BACKGROUND

Pursuant to clause 4 of Division 1 of Schedule 2.3 of the Local Government Act 1995 (Act), the Council is required to appoint a President at its first meeting following an election day. The Chief Executive Officer (CEO) is to preside at the meeting until the office is filled and the election is to be conducted by the CEO in accordance with the procedure prescribed in the Act. Accordingly, the CEO will call for Councillors to nominate as candidates at the meeting. All Councillors, including newly elected Councillors, are eligible to nominate.

STATUTORY ENVIRONMENT

Local Government Act 1995:

The roles and responsibilities of the President are outlined in the *Local Government Act 1995*:

"2.8 Role of mayor or president"

- (1) *The mayor or president —*
- (a) *presides at meetings in accordance with this Act; and*
 - (b) *provides leadership and guidance to the community in the district; and*
 - (c) *carries out civic and ceremonial duties on behalf of the local government; and*
 - (d) *speaks on behalf of the local government; and*
 - (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
 - (f) *liaises with the CEO on the local government's affairs and the performance of its functions."*

In the event that there is more than one nomination for the position of President, the CEO will act in the position of Returning Officer to conduct the ballot as required under the Local Government Act 1995. The ballot for the position of President will be conducted pursuant to the provisions of clause 4 of Division 1 of Schedule 2.3 of the Act as outlined below:

"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."*

The ballot for President will be undertaken using the preferential voting system with the CEO being the Returning Officer.

The winner will be declared elected to the position of President for a two-year term and will be required to read (and sign) a form titled "Declaration for the Office of President" (Electoral Form 7) in accordance with Regulation 13(1)(c) of the Local Government (Constitution) Regulations 1996 (**Attachment 5**).

6. ELECTION OF DEPUTY PRESIDENT

| | |
|-------------------------|------------------------------------|
| Applicant: | Shire of Corrigin |
| Location: | Shire of Corrigin |
| Date: | 20 October 2017 |
| Reporting Officer: | Rob Paull, Chief Executive Officer |
| Disclosure of Interest: | No interest to disclose |
| File Number: | GOV 0021 |
| Attachment Reference: | Attachment No. 6 |

BACKGROUND

Pursuant to clause 7 of Division 2 of Schedule 2.3 of the Local Government Act 1995, the Council is required to appoint a Deputy President at its first meeting following an election day. Accordingly, the Shire President will call for Councillors to nominate as candidates at the meeting. All Councillors (not including the President) along with newly elected Councillors, are eligible to nominate.

STATUTORY ENVIRONMENT

Local Government Act 1995:

The roles and responsibilities of the Deputy President are outlined in the *Local Government Act 1995*:

"2.9 Role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34."

Section 5.34 states:

5.34. When deputy mayors and deputy presidents can act

If —

- (a) the office of mayor or president is vacant; or*
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,*

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires."

The roles and responsibilities of the President are outlined in the *Local Government Act 1995*:

"2.8 Role of mayor or president

(1) The mayor or president —

- (a) presides at meetings in accordance with this Act; and*
- (b) provides leadership and guidance to the community in the district; and*
- (c) carries out civic and ceremonial duties on behalf of the local government; and*
- (d) speaks on behalf of the local government; and*
- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and*
- (f) liaises with the CEO on the local government's affairs and the performance of its functions."*

The Deputy President is also entitled to one quarter of the Shire Presidents allowance in addition to Council sitting fees.

In the event that there is more than one nomination for the position of Deputy President, the CEO will act in the position of Returning Officer to conduct the ballot as required under the Local Government Act 1995. The ballot for the position of Deputy President will be conducted pursuant to the provisions of clause 8 of Division 2 of Schedule 2.3 of the Local Government Act 1995 as outlined below:

"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."*

The ballot for Deputy President will be undertaken using the preferential voting system with the CEO being the Returning Officer.

The winner will be declared elected to the position of Deputy President and will be required to read (and sign) a form titled "Declaration for the Office of Deputy President" (Electoral Form 7) in accordance with Regulation 13(1)(c) of the Local Government (Constitution) Regulations 1996 (**Attachment 6**).

7. ALLOCATION OF SEATING OF COUNCILLORS BY CHIEF EXECUTIVE OFFICER

| | |
|-------------------------|------------------------------------|
| Applicant: | Shire of Corrigin |
| Location: | Shire of Corrigin |
| Date: | 20 October 2017 |
| Reporting Officer: | Rob Paull, Chief Executive Officer |
| Disclosure of Interest: | No interest to disclose |
| File Number: | GOV 0021 |
| Attachment Reference: | Nil |

Clause 11.4.1 of the Shire of Corrigin Local Laws Relating to Standing Orders (Standing Orders) provides the method of allocating seating positions to elected members.

“At the first ordinary meeting attended by a councillor after election, the Chief Executive Officer shall allot a position at the council table to each councillor and the councillor shall, until such time as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council.”

In accordance with the Standing Orders, seating will be allocated at the discretion of the Chief Executive Officer and Councillors advised prior to the meeting.

8. COPIES OF LOCAL GOVERNMENT ACT 1995 AND LOCAL LAWS TO COUNCILLORS

| | |
|-------------------------|------------------------------------|
| Applicant: | Shire of Corrigin |
| Location: | Shire of Corrigin |
| Date: | 20 October 2017 |
| Reporting Officer: | Rob Paull, Chief Executive Officer |
| Disclosure of Interest: | No interest to disclose |
| File Number: | GOV 0021 |
| Attachment Reference: | Attachment No. 8 |

Clause 21.1 of the Shire of Corrigin Local Laws Relating to Standing Orders (Standing Orders) states:

21.1 Copies of Act and Standing Orders and papers to Councillors of the Council

The Chief Executive Officer shall provide to each Councillor as soon as convenient after being elected to office, a copy of the Act and local laws regulating and governing the administration of the local government.

The reference to the 'Act' in the Standing Orders is the Local Government Act 1995. In this regard, the Standing Orders are included as **Attachment 8**.

To ensure a manageable size of the Agenda, the following links provide a Web based access to the Act and local government local laws:

Local Government Act 1995

http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_551_homepage.html

Local Government Local Laws

<http://dlg.wa.gov.au/Content/Legislation/LocalLaws/LocalLawsRegister.aspx>

A 'hard copy' of the Act and local laws can be provided to Councillors upon request.

All other Western Australian Acts and Regulations

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

In addition to the above, the Shire staff will provide all new Councillors with an 'information pack' addressing the roles, responsibilities and general information on the operations of the Shire.

9.0 APPOINTMENTS TO COMMITTEES

9.1. APPOINTMENT OF MEMBERS TO COMMITTEES OF COUNCIL

| | |
|-------------------------|------------------------------------|
| Applicant: | Shire of Corrigin |
| Location: | Shire of Corrigin |
| Date: | 20 October 2017 |
| Reporting Officer: | Rob Paull, Chief Executive Officer |
| Disclosure of Interest: | No interest to disclose |
| File Number: | GOV 0021 |
| Attachment Reference: | Attachments 9.1A – 9.1E |

SUMMARY

Council is requested to establish the purpose and operations of its committees along with appointing members to the respective committee and where acceptable, delegating responsibilities to the committees.

BACKGROUND

Following the 2015 Local Government elections, Council established the following Committees and appointed the following persons as members:

Works and General Purposes Committee:

Cr Dickinson, Cr Hardingham, Cr Hickey, Cr Praetz, Cr Pridham*

Infrastructure and Building Maintenance Committee

Cr Baker, Cr Dickinson, Cr Hardingham, Cr Mason

Audit and Risk Management Committee

All Councillors

Chief Executive Officer's Performance Review Occasional Committee

All Councillors

Local Emergency Management Committee

Cr Baker (as President) and Cr Hickey (as Deputy President)

* Note: Cr Pridham resigned for the Committee in February 2017 and was replaced by Cr Mason

The tenure of members of Council Committees expired on Local Government Election Day of 21 October 2017.

COMMENT

Detailed below are the various committees for which elected members representation is sought. In 2015, Council defined the purpose and operations of each committee and for Council's consideration, these have again been defined (Refer **Attachments 9.1A - 9.1E**).

Any delegation available to a committee is prescribed in respective *Instrument of Appointment and Delegation*. For all Committees, the Chief Executive Officer and other Shire staff members will provide advice and administrative support to the Committee. Council may add to or remove any of the committees listed as below:

*Agenda for the Special Meeting of Council held in the Shire of Corrigin Council Chambers on
Monday 23 October 2017*

| | <i>COMMITTEES WITHIN THE SHIRE</i> | <i>REQUIRED</i> | <i>MEETINGS</i> | <i>APPROXIMATE DURATION</i> |
|---|--|---|---|--|
| 1 | <i>Works and General Purposes Committee (Attachment 9.1A)</i> | <i>Comprising 4 Elected Members</i> | <i>Twice Yearly</i> | <i>1 hour (depending on inspections)</i> |
| 2 | <i>Infrastructure and Building Maintenance Committee (Attachment 9.1B)</i> | <i>Comprising 4 Elected Members</i> | <i>Twice Yearly</i> | <i>1 hour (depending on inspections)</i> |
| 3 | <i>Audit and Risk Management Committee (Attachment 9.1C)</i> | <i>All Councillors</i> | <i>Three times a year</i> | <i>2 hours</i> |
| 4 | <i>Chief Executive Officer's Performance Review Occasional Committee (Attachment 9.1D)</i> | <i>All Councillors</i> | <i>Once yearly</i> | <i>2 hours</i> |
| 5 | <i>Local Emergency Management Committee (Attachment 9.1E)</i> | <i>President and Deputy President</i> | <i>Four times a year:</i> <ul style="list-style-type: none"> • <i>March</i> • <i>July</i> • <i>September</i> • <i>December</i> | <i>1 hour</i> |

The Shire President has the right to be represented on any Council committee. The Shire President is to call for nominations for each of the above committees and preside over any required ballot to determine appointment(s) to the committees. Should the Shire President not wish to be a member of a committee, Council may need to appoint an additional Councillor, depending on the respective *Instrument of Appointment and Delegation*.

A further factor Council may wish to consider is that the Extra-Ordinary Election for seventh position of Council is to be held on 9 December 2017 (which could be at a Special Meeting or at the Ordinary Meeting of 19 December 2017). In this regard, Council may wish to defer consideration of the Committees that are not to be held until after the Extra-Ordinary Election and the swearing-in of the Councillor.

The only Committee that is likely to be held before the swearing-in of the seventh Councillor and should be filled is the:

- *Audit and Risk Management Committee*
- *Corrigin Local Emergency Management Committee*

STATUTORY ENVIRONMENT

Local Government Act 1995:

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.*

5.11. Committee membership, tenure of

- (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.**
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the term of the person's appointment as a committee member expires; or*
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day, whichever happens first.**

The Emergency Management Act 2005:

20. Directions to, and duties of, public authorities

20(4) *A public authority that is given a role and responsibilities under a State Emergency Management Policy is to comply with the State Emergency Management Policy. Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members are to be determined by the SEMC"*

38. Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government district;*
- (3) A local emergency management committee consists of –
 - (a) A Chairman and other members appointed by the relevant local government in accordance with sub section (4);*
 - (b) If the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.**
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members are to be determined by the SEMC.*

POLICY IMPLICATIONS

There are no known policies or policy implications relating to this Item.

FINANCIAL IMPLICATIONS

Budgeted expenditure for meeting fees and cost associated with committees.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Corrigin Strategic Community Plan 2013-2023 and Corporate Business Plan 2017-2021:

Objective: Leadership

Strong Governance and leadership

Outcome 4.1 - A strategically focussed dynamic Council serving the community

| Strategic Community Plan | | Corporate Business Plan | |
|--------------------------|--|-------------------------|--|
| Outcome | Strategies | Action No. | Actions |
| 4.1.1 | Provide leadership, communication and active engagement with the community | 4.1.1.1 | Elected members provide strategic leadership for the benefit of the community. |

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 1

*That Council, in accordance with the Instrument of Appointment and Delegation of the Works and General Purposes Committee (**Attachment 9.1A**) and s 5.10 & 5.11A Local Government Act 1995 appoints (4 positions):*

- Councillor _____ as a member of the Works and General Purposes Committee
- Councillor _____ as a member of the Works and General Purposes Committee
- Councillor _____ as a member of the Works and General Purposes Committee
- Councillor _____ as a member of the Works and General Purposes Committee

OFFICER'S RECOMMENDATION 2

*That Council, in accordance with the Instrument of Appointment of the Infrastructure and Building Maintenance Committee (**Attachment 9.1B**) and s 5.10 & 5.11A Local Government Act 1995 appoints (4 positions):*

- Councillor _____ as a member of the Infrastructure and Building Maintenance Committee
- Councillor _____ as a member of the Infrastructure and Building Maintenance Committee
- Councillor _____ as a member of the Infrastructure and Building Maintenance Committee
- Councillor _____ as a member of the Infrastructure and Building Maintenance Committee

OFFICER'S RECOMMENDATION 3

*That Council, in accordance with the Instrument of Appointment and Delegation of the Audit and Risk Management Committee (**Attachment 9.1C**) and s 5.10 & 5.11A Local Government Act 1995 appoints all Councillors to be members of the Audit and Risk Management Committee.*

OFFICER'S RECOMMENDATION 4

*That Council, in accordance with the Instrument of Appointment and Delegation of the Chief Executive Officer Performance Review Occasional Committee (**Attachment 9.1D**) and s 5.10 & 5.11A Local Government Act 1995 appoints all Councillors to be members of the CEO Performance Review Occasional Committee.*

OFFICER'S RECOMMENDATION 5

*That Council, in accordance with the Instrument of Appointment and Delegation of the Corrigin Local Emergency Management Committee (**Attachment 9.1E**) and s 5.10 & 5.11A Local Government Act 1995 appoints (2 positions) the:*

- *President Councillor _____ as a member and Presiding Member of the Corrigin Local Emergency Management Committee.*
- *Deputy President /Councillor _____ (delete where applicable) to the Corrigin Local Emergency Management Committee as deputy in the absence of the Shire President.*

9.2. APPOINTMENT OF MEMBERS TO ADVISORY COMMITTEES OF COUNCIL

| | |
|-------------------------|------------------------------------|
| Applicant: | Shire of Corrigin |
| Location: | Shire of Corrigin |
| Date: | 20 October 2017 |
| Reporting Officer: | Rob Paull, Chief Executive Officer |
| Disclosure of Interest: | No interest to disclose |
| File Number: | GOV 0021 |
| Attachment Reference: | 9.2A – 9.2D |

SUMMARY

Council is requested to establish the purpose, operations and appointments to its advisory committees and where acceptable, delegating responsibility to advisory committees.

BACKGROUND

Following the 2015 Local Government elections, Council established the following advisory committees and appointed the following members to the committees:

Recreation Planning Committee

Graeme Downing, Ron Poultney, Cameron Stone, Jackie Jones, Kim Courboules, Cr Baker and Julian Murphy. Council also sought to expand the Committee by seeking additional members however the Committee did not meet during its duration.

Rockview Land Management Committee

Cr Mason, Cr Hickey, Cr Dickinson and Cr Praetz

The tenure of members of Council Committees expired on Local Government Election Day of 21 October 2017.

COMMENT

Detailed below are the various advisory committees for which elected members representation is sought. In 2015, Council defined the purpose and operations of each advisory committee and for Council's consideration, these have again been defined (Refer **Attachments 9.2A -9.2D**).

For all advisory committees, the Chief Executive Officer and other Shire staff members will provide advice and administrative support to the Committee. Council may add to or remove any of the advisory committees listed as below:

| ADVISORY COMMITTEES | REQUIRED | MEETINGS | APPROXIMATE DURATION |
|--|------------------------------|------------------|-----------------------------|
| Recreation Planning Advisory Committee (Attachment 9.2A) | Comprising 2 Elected Members | As required | 1 hour |
| Rockview Land Management Advisory Committee (Attachment 9.2B) | Comprising 4 Elected Members | As Required | 1 hour |
| Corrigin Recreation & Events Centre Advisory Committee (Attachment 9.2C) | Comprising 1 Elected Member | Every two months | 1 hour |

*Agenda for the Special Meeting of Council held in the Shire of Corrigin Council Chambers on
Monday 23 October 2017*

| ADVISORY COMMITTEES | REQUIRED | MEETINGS | APPROXIMATE DURATION |
|---|-----------------------------|----------------|----------------------|
| Bush Fire Advisory Committee (Attachment 9.2D) | Comprising 1 Elected Member | Twice annually | 1 hour |

The Shire President has the right to be represented on any advisory committee. Should the Shire President not wish to be a member of an advisory committee, Council may need to appoint an additional Councillor, depending on the respective *Instrument of Appointment and Delegation*. The Shire President is to call for nominations for each of the above advisory committees and preside over any required ballot to determine appointment(s) to the committees.

A further factor Council may wish to consider is that the Extra-Ordinary Election for seventh position of Council is to be held on 9 December 2017 (which could be at a Special Meeting or at the Ordinary Meeting of 19 December 2017). In this regard, Council may wish to defer consideration of the Advisory Committees that are not to be held until after the Extra-Ordinary Election and the swearing-in of the Councillor.

The only External Committee that is likely to be held before the swearing-in of the seventh Councillor and should be filled is the *Corrigin Recreation & Events Centre Advisory Committee*.

STATUTORY ENVIRONMENT

Local Government Act 1995:

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.*

5.11. Committee membership, tenure of

- (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.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,**whichever happens first.*

POLICY IMPLICATIONS

There are no known policies or policy implications relating to this Item.

FINANCIAL IMPLICATIONS

Budgeted expenditure for costs associated with advisory committees.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Corrigin Strategic Community Plan 2013-2023 and Corporate Business Plan 2017-2021:

Objective: Leadership

Strong Governance and leadership

Outcome 4.1 - A strategically focussed dynamic Council serving the community

| Strategic Community Plan | | Corporate Business Plan | |
|--------------------------|--|-------------------------|--|
| Outcome | Strategies | Action No. | Actions |
| 4.1.1 | Provide leadership, communication and active engagement with the community | 4.1.1.1 | Elected members provide strategic leadership for the benefit of the community. |

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 1

*That Council, in accordance with the Instrument of Appointment and Delegation of the Recreation Planning Advisory Committee (**Attachment 9.2A**) and s 5.10 & 5.11A Local Government Act 1995 appoints (2 positions):*

- Councillor _____ as a member of the Recreation Planning Advisory Committee.
- Councillor _____ as a member of the Recreation Planning Advisory Committee.

OFFICER'S RECOMMENDATION 2

*That Council, in accordance with the Instrument of Appointment and Delegation of the Rockview Land Management Advisory Committee (**Attachment 9.2B**) and s 5.10 & 5.11A Local Government Act 1995 (4 positions):*

- Councillor _____ as a member of the Rockview Land Management Advisory Committee.
- Councillor _____ as a member of the Rockview Land Management Advisory Committee.
- Councillor _____ as a member of the Rockview Land Management Advisory Committee.

OFFICER'S RECOMMENDATION 3

*That Council, in accordance with the Instrument of Appointment and Delegation of the Corrigin Recreation & Events Centre Advisory Committee (**Attachment 9.2C**) and s 5.10 & 5.11A Local Government Act 1995 appoints (2 positions):*

- *Councillor _____ as a member of the Corrigin Community Resource Centre Committee.*
- *Councillor _____ as a member of the Corrigin Community Resource Centre Committee.*

OFFICER'S RECOMMENDATION 4

*That Council, in accordance with the Instrument of Appointment and Delegation of the Corrigin Bush Fire Advisory Committee (**Attachment 9.2D**) and s 5.10 & 5.11A Local Government Act 1995 appoints (1 position and Shire President if sought):*

- *The President of the Shire of Corrigin, Councillor _____ as a member of the Corrigin Bush Fire Advisory Committee.*

9.3. APPOINTMENT OF COUNCIL REPRESENTATIVES TO EXTERNAL ORGANISATIONS OR COMMITTEES

| | |
|-------------------------|------------------------------------|
| Applicant: | Shire of Corrigin |
| Location: | Shire of Corrigin |
| Date: | 22 October 2017 |
| Reporting Officer: | Rob Paull, Chief Executive Officer |
| Disclosure of Interest: | No interest to disclose |
| File Number: | GOV 0021 |
| Attachments: | Nil |

SUMMARY

Council is requested to appoint members to the respective external organisations and committees.

BACKGROUND

Following the 2015 Local Government elections, Council appointed member representatives to the following external organisations and committees:

| | |
|--|--|
| <u>ROE Regional Environmental Health Services Scheme (ROE Health)</u> Cr Baker Cr Hickey | <u>Roe Regional Organisation of Councils</u> President Deputy President CEO Deputy CEO |
| <u>CDHS Parents and Citizens Association</u> Cr Dickinson | <u>Roe Tourism Association</u> Cr Pridham ² Ms Ruth Owen (Community Member) |
| <u>Senior Citizens Committee</u> Cr Baker CEO | <u>Corrigin Historical Society</u> Cr Pridham ³ |
| <u>Small Business Centre Eastern Wheatbelt</u> Cr Baker CEO | <u>Corrigin Local Health Advisory Group</u> Cr Praetz |
| <u>Tidy Towns Committee</u> Cr Pridham ¹ | <u>Wheatbelt South Regional Road Group</u> President and Deputy President |
| | <u>Central Agcare Financial & Family Counselling</u> No Councillor expressed an interest in being on the Central Agcare Financial & Family Counselling Committee. |

1 Note: Cr Pridham resigned for the Committee in February 2017 and was replaced by the Chief Executive Officer

2 Note: Cr Pridham resigned for the Committee in February 2017 and was replaced by Cr Praetz

3 Note: Cr Pridham resigned for the Committee in February 2017 and was replaced by Cr Hardingham

The tenure of members of Council Committees expired on Local Government Election Day of 21 October 2017.

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COMMENT

Detailed below are the various external organisations and committees for which elected members representation is sought. Most Organisations do not have terms of reference.

For some organisations, the Chief Executive Officer and other Shire staff members may provide advice and administrative support upon request. Such support will be judged on the basis of Shire resources. Council may add to or remove from any of the external organisations and committees listed as below:

| ORGANISATION | REQUIRED | MEETINGS | APPROXIMATE DURATION |
|--|-------------------------------|-----------------|--|
| Eastern Districts Regional Health Scheme | Comprising 2 Elected Members | As required | 1 hour (depending on location of meeting) |
| CDHS Parents and Citizens Association | Comprising 1 Elected Member | As Required | 1 hour (depending on location of meeting) |
| Corrigin Senior Citizens Committee | Comprising 1 Elected Member | As Required | 1 hour (depending on location of meeting) |
| Small Business Centre Eastern Wheatbelt* | Comprising 2 Elected Members | As Required | 1 hour (depending on location of meeting) |
| Wheatbelt South Regional Road Group | President Deputy President | As Required | 1 hour (depending on location of meeting) |
| Corrigin Tidy Towns Committee | Comprising 1 Elected Member | As Required | 1 hour |
| Roe Regional Organisation of Councils | President Deputy President | As Required | 1 hour (depending on location of meeting) |
| Roe Tourism Association | Comprising 1 Elected Member | As Required | 1 hour (depending on location of meeting) |
| Corrigin Historical Society | Comprising 1 Elected Member | As Required | 1 hour |
| Community Development Fund Committee | Comprising 1 Elected Member | As Required | 1 hour |
| Edna Stevenson Trust | Shire President | As Required | 1 hour |

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| ORGANISATION | REQUIRED | MEETINGS | APPROXIMATE DURATION |
|---|-----------------------------|-------------|---|
| Corrigin Local Health Advisory Group | Comprising 1 Elected Member | As Required | 1 hour (depending on location of meeting) |
| Central Agcare Financial & Family Counselling | Comprising 1 Elected Member | Bi-monthly | 1-2 hours (depending on location of meeting) |

* Note: The Small Business Centre Eastern Wheatbelt requires one more meeting to 'dissolve' the organisation.

The Shire President has the right to be represented on any organisation or committee. The Shire President is to call for nominations for each of the above committees and preside over any required ballot to determine appointment(s) to the committees.

Should the Shire President not wish to be a member of an advisory committee, Council may need to appoint an additional Councillor, depending on the respective *Instrument of Appointment and Delegation*.

A further factor Council may wish to consider is that the Extra-Ordinary Election for seventh position of Council is to be held on 9 December 2017 (which could be at a Special Meeting or at the Ordinary Meeting of 19 December 2017). In this regard, Council may wish to defer consideration of those External Committees that are not to be held until after the Extra-Ordinary Election and the swearing-in of the Councillor.

External Committees that are likely to be held before the swearing-in of the seventh Councillor and should be filled are as follows:

- ROE Regional Environmental Health Services Scheme (ROE Health)
- Corrigin Senior Citizens Committee
- Corrigin Tidy Towns Committee
- Wheatbelt South Regional Road Group
- Roe Regional Organisation of Councils
- Edna Stevenson Trust
- Corrigin Historical Society
- Wheatbelt South Aged Housing Alliance

STATUTORY ENVIRONMENT

Local Government Act 1995:

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.*

5.11. Committee membership, tenure of

- (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.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
- whichever happens first.*

POLICY IMPLICATIONS

There are no known policies or policy implications relating to this Item.

FINANCIAL IMPLICATIONS

Budgeted expenditure for cost associated with providing representatives to external organisations and committees.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Corrigin Strategic Community Plan 2013-2023 and Corporate Business Plan 2017-2021:

Objective: Leadership

Strong Governance and leadership

Outcome 4.1 - A strategically focussed dynamic Council serving the community

| Strategic Community Plan | | Corporate Business Plan | |
|--------------------------|--|-------------------------|--|
| Outcome | Strategies | Action No. | Actions |
| 4.1.1 | Provide leadership, communication and active engagement with the community | 4.1.1.1 | Elected members provide strategic leadership for the benefit of the community. |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council appoints the following representatives to the following external organisations and committees:

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ROE Regional Environmental Health Services Scheme (ROE Health) (2 positions)

- Councillor _____ to represent Council on the Eastern Districts Regional Health Scheme.
- Councillor _____ to represent Council on the Eastern Districts Regional Health Scheme.

Corrigin District High School Parents and Citizens Association (1 position)

- Councillor _____ to represent Council on the Corrigin District High School Parents and Citizens Association.

Corrigin Senior Citizens Committee (1 position)

- Councillor _____ to represent Council on the Corrigin Senior Citizens Committee.

Corrigin Tidy Towns Committee (1 position)

- Councillor _____ to represent Council on the Corrigin Tidy Towns Committee.

Small Business Centre Eastern Wheatbelt (1 position)

- Councillor _____ to represent Council on the Small Business Centre Eastern Wheatbelt.

Wheatbelt South Regional Road Group (2 positions)

- The President of the Shire of Corrigin Councillor _____ (if desirous of participating) to represent Council on the Wheatbelt South Regional Road Group.
- The Deputy President of the Shire of Corrigin Councillor _____ (if desirous of participating) to represent Council on the Wheatbelt South Regional Road Group.

Note: Should the President or Deputy President not seek to be appointed, a Councillor is invited to nominate.

Roe Regional Organisation of Councils (2 positions)

- The President of the Shire of Corrigin Councillor _____ (if desirous of participating) to represent Council on the Roe Regional Organisation of Councils.
- The Deputy President of the Shire of Corrigin Councillor _____ (if desirous of participating) to represent Council on the Roe Regional Organisation of Councils.

Note: Should the President or Deputy President not seek to be appointed, a Councillor is invited to nominate.

Roe Tourism Association (1 position)

- Councillor _____ to represent Council on the Council on the Roe Tourism Association.

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Corrigin Historical Society (1 position)

- Councillor _____ to represent Council on the Corrigin Historical Society.
- Community Development Fund Committee (1 position)

- Councillor _____ to represent Council on the Community Development Fund Committee.

Edna Stevenson Trust (1 position)

- The President of the Shire of Corrigin Councillor _____ to represent Council on the Edna Stevenson Trust.

Note: The Trust Deed only provides for the President to be appointed.

Wheatbelt South Aged Housing Alliance (1 position)

- Councillor _____ to represent Council on the Wheatbelt South Aged Housing Alliance.

Corrigin Local Health Advisory Group (1 position)

- Councillor _____ to represent Council on the Corrigin Local Health Advisory Group.

Central Agcare Financial & Family Counselling (1 Position)

- Councillor _____ to represent Council on the Central Agcare Financial & Family Counselling.

9.4 CONSIDERATION OF THE RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER (CONFIDENTIAL)

| | |
|-------------------------|--|
| Applicant: | Shire of Corrigin |
| Location: | Shire of Corrigin |
| Date: | 19 October 2017 |
| Reporting Officer: | Cr Lyn Baker, Shire President and Rob Paull, Chief Executive Officer |
| Disclosure of Interest: | No interest to disclose |
| File Number: | GOV 0021 |
| Attachments: | Attachment 9.4A - Department of Local Government, Sport and Cultural Industries (Department) has produced Operational Guidelines Number 10 'Appointing a CEO' (Confidential) |

REASON FOR CONFIDENTIALITY

This Report is confidential in accordance with section 5.23(2) of the Local Government Act because it deals with matters of commercial in-confidence and contracts which Council may enter into.

OFFICER'S RECOMMENDATION

That Council in accordance with Clause 15.10 of the Standing Orders close the meeting to the public.

10. URGENT BUSINESS

11. MEETING CLOSURE



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,

.....

of ¹.....

.....,
having been elected to the office of president of the Shire of Corrigin 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 on

by.....

Before me:

- ¹
Insert your residential address.
²
Delete those that do not apply.
³
Insert the name of the local government.



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,

of ¹
having been elected to the office of deputy president of the Shire of Corrigin 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 on

by.....

Before me:

¹
Insert your residential address.
²
Delete those that do not apply.
³
Insert the name of the local government.

Local Government Act 1995

Shire of Corrigin

LOCAL LAWS RELATING TO STANDING ORDERS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Corrigin hereby records having resolved on the 16th day of August, 2000, to make the following local laws.

1. INTERPRETATIONS AND STANDING ORDERS

1.1 Proceedings Conducted According to Standing Orders

The proceedings and business of the council shall be conducted in accordance with the Act, the regulations and any other Law, and where not specifically prescribed, according to this local law, the clauses of which shall be referred to as "the Standing Orders".

1.2 All Meetings Governed by Standing Orders

The proceedings of all council meetings, committee meetings and other meetings of the council shall be governed by these Standing Orders unless otherwise provided in the Act, regulations, or any other law.

1.3 Interpretations

The interpretations should be used in these Standing Orders, unless the context otherwise requires—

"Act" means the "Local Government Act, 1995 and amendments and successors";

"Clause" means a clause of these standing orders;

"Committee" means any Committee appointed in accordance with the provisions of the Act;

"Council" means the council of the Shire of Corrigin;

"President" includes the Deputy President, in the absence of the President, and any councillor chosen to preside in place of the President or Deputy President at any meeting of the council in the manner prescribed in the Act.

"Presiding Member" includes the Deputy Presiding Member, in the absence of the Presiding Member, and any member chosen to preside at any meeting in the manner prescribed in the Act.

"Meeting" includes any Ordinary or Special Meeting of the Council or any other meeting held in accordance with the Act and properly convened as the Act requires;

"Councillor" means the President, or a councillor of the council.

"Officer" is an employed member of the staff of the council;

"Chief Executive Officer" means the Chief non-elected officer of the Shire or other officer who, for the time being, is acting in that capacity;

"Absolute Majority" is more than 50% of the current number of elected Council positions whether they are vacant or not regardless of the number actually present;

"Simple Majority" is more than 50% of the councillors present and voting.

"Special Majority" means that —

(a) if there are more than 11 offices of councillor, the power can only be exercised by, or in accordance with, a decision of 75% majority of the Council; or

(b) if there are not more than 11 offices of councillor, the power can only be exercised by, or in accord with, a decision of an absolute majority of the Council.

"75% majority" means a majority comprising enough of the councillors for the time being of the Council for their number to be at least 75% of the number of offices (whether vacant or not) of councillor;

"Substantive motion" means any motion other than an amendment or a procedural motion.

2. MEETINGS-NOTICE AND BUSINESS

2.1 Notice of Meetings – Councillors to Receive Notice

Before any ordinary or special meeting of the Council, a notice signed by the Chief Executive Officer, stating the place, date and hour of holding the meeting and specifying the business to be transacted with an agenda and supporting committee reports, shall be transmitted by facsimile or sent by any other electronic means (so long as it is capable of being printed out in its entirety), by post, or otherwise left or delivered to each councillor, at least 5 days before the meeting, at the usual or last known place of abode or business, or to another address any councillor may request by notice in writing to the Chief Executive Officer.

2.2 Emergency Meetings

A meeting of Council for the purpose of dealing with an emergency situation may be called by the President or Chief Executive Officer, or in their absence, any three councillors. The Chief Executive Officer, or a person authorized by him or her, shall either personally or by telephone, facsimile or other electronic means or otherwise leave or deliver to each councillor, details of the nature of the emergency and the date, time, place and purpose of the emergency meeting. Decisions made at this meeting must be by absolute majority unless the Act specifies otherwise.

2.3 Business to be Specified on Notice Paper

No business shall be transacted at any meeting other than that specified in the notice without the approval of the President or if there is dissent by any councillor to the President's ruling, with the approval of the majority of councillors present determined by vote, except;

- (1) matters which the Act permits to be dealt with without notice;
- (2) matters which this local law (clause 5.5) permits to be dealt with without notice.

2.4 Specified Papers

Any councillor may, in writing addressed to the Chief Executive Officer and delivered to the office of the Chief Executive Officer at least 48 hours before any meeting of the Council, or of any committee of the Council, request that any specified papers be laid upon the table at any meeting to be named and the papers shall be laid upon the table accordingly.

2.5 Papers Relating to Matter Under Discussion

At any meeting of the Council, or of any committee of the Council, the President or any councillor may require the production of any specified papers, documents, books or records, books of accounts, plans, or any other record or matter whatsoever relating to any question then under discussion providing that wherever possible, the notice prescribed in clause 2.4 shall be given. In the event of notice not having been given, the proceedings of the council shall not be unreasonably delayed while documents are obtained.

2.6 Public Notice of Meetings

The Chief Executive Officer shall give local public notice of Council and committee meetings, as required by Regulation 12 of the Local Government (Administration) Regulations 1996.

2.7 Public Inspection of Certain Documents

The Chief Executive Officer is to ensure that the notice papers and agenda relating to any council or committee meeting and reports and other documents which –

- (a) are to be tabled at the meeting; or
- (b) have been produced by the local government or committee for presentation at the meeting and which have been made available to councillors or committee,

are available for inspection by members of the public at the same time as they were made available to the Council or committee members.

Members of the public are not entitled to inspect the information referred to above, if in the Chief Executive Officer's opinion the meeting, or that part of the meeting to which the information refers, is likely to be closed to the public.

3. MEETINGS - QUORUM

3.1 Quorum at Meetings

Except in cases where the Minister for Local Government may have reduced the number necessary to form a quorum for a council meeting or the council may have reduced the number necessary to form a quorum for a committee meeting, the number of members necessary to form a quorum for any meeting shall be –

- (a) where the total number of offices of member (whether vacant or not) is an even number, one half of that total;
- (b) where the total number of offices of member (whether vacant or not) is an odd number, the integer nearest to, but greater than, one half of that total.

3.2 Count-out/Adjournment

3.2.1 If a quorum has not been established within the 30 minutes after a Council or committee meeting is due to begin then the meeting shall be adjourned, and

- (a) in the case of Council, by the President or if the President is not present at the meeting, by the Deputy President;
- (b) in the case of a committee, by the presiding councillor of the committee or if the presiding councillor is not present at the meeting, by the deputy presiding councillor;
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of councillors present;
- (d) if only one councillor is present, by that councillor; or
- (e) if no councillor is present or if no councillor other than the Chief Executive Officer is present, by the Chief Executive Officer or a person authorized by the Chief Executive Officer.

3.2.2 At any time during any meeting of the council any councillor or the Chief Executive Officer may call the attention of the President to the fact that a quorum is not present. The President shall immediately suspend the proceedings of the meeting for a period of up to thirty minutes. If a quorum is not present at the end of this period, the meeting shall be deemed to have been counted out, and the President shall adjourn it to a later hour of the same day or to any other time, not more than seven days from the date of adjournment.

3.2.3 Absence of Quorum – Record in Minutes

At all meetings of the council when the council is counted out, and an absence of a quorum noted, the circumstances, together with the names of the councillors present, shall be recorded in the Minute Book.

4. MEETINGS - MINUTES

4.1 Recording of Minutes

4.1.1 The person presiding at a meeting of the Council or a committee is to cause minutes to be kept of the meetings proceedings.

4.1.2 Binding or otherwise permanently affixing the minutes to form the leaves of a book shall be a sufficient recording of the minutes.

4.2 Confirmation of Minutes

4.2.1 Reading of the minutes of a previous meeting at a meeting of the Council or a committee may be dispensed with provided that a copy of those minutes has been supplied to each councillor at least 72 hours prior to the date of the meeting at which they are presented for confirmation.

4.2.2 The minutes of any preceding meeting or meetings of the Council or a committee, not previously confirmed, shall be submitted for confirmation to the next ordinary meeting of the Council or the committee as the case requires and no discussion of them shall be permitted except as to their accuracy as a record of the proceedings. The last page of the minutes must be signed and dated by the person presiding at the meeting certifying that the minutes have been confirmed.

4.2.3 Copies of unconfirmed minutes of each Council and committee meeting shall be made available for inspection at the Shire office, Shire library and such other publicly accessible places as determined by the Chief Executive Officer, for inspection by members of the public-

- (a) in the case of a Council meeting, within 10 business days after the meeting; and
- (b) in the case of a committee meeting, within 5 business days after the meeting.

5. MEETINGS – ORDER OF BUSINESS

5.1 Ordinary Meeting – Order of Business

The order of business at meetings of the Council, unless altered by Council resolution to that effect, shall be as nearly as practicable as follows –

- (a) apologies and leave of absence
- (b) reception of questions and limited to a total of fifteen minutes of duration, except by consent of the person presiding. Each speaker will be limited to three minutes duration to speak, except by consent of the person presiding
- (c) petitions, memorials and deputations;
- (d) declarations of councillors and officers interest;
- (e) confirmation of minutes of previous Council meeting(s);
- (f) receipt of minutes or reports and consideration of adoption of recommendations from committee meetings held since the previous Council meeting;
- (g) motions of which notice has been given;
- (h) notice of motions for the following meeting;
- (i) a report by the Chief Executive Officer relative to business arising out of minutes of any previous meeting, work or business carried out in the period between meetings or requests for instructions as to future business;
- (j) Presidents report;
- (k) Councillor reports and information items;
- (l) Urgent business;
- (m) Councillors questions of which notice has been given;
- (n) Late items in accordance with 5.5;
- (o) Closure

5.2 Order of Business at Special Meeting

The order of business at any special meeting shall be the order in which that business stands in the notice of the meeting unless the Council, by resolution, alters the order of business to that effect.

5.3 Unacceptable Business

If the Presiding Member is of the opinion that any motion or business proposed to be made or transacted at a meeting is disrespectful, he or she may, either before or after the matter is brought forward at any meeting, declare that the motion or business shall not be entertained. Any Councillor may move dissent from such a declaration made from the Chair and in the event of the dissent being

carried by a majority of the councillors present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the President shall stand.

5.4 Business at Adjourned Meeting

At an adjourned meeting of the Council, no business shall be transacted other than such as shall have been specified on the notice of the meeting of which it is an adjournment and which remains undisposed of, save and except in the case of an adjournment to the next ordinary meeting of the Council, when the business undisposed of at the adjourned meeting shall have the precedence at such ordinary meeting of the Council.

5.5 Urgent Business

5.5.1 A Councillor may move a motion involving urgent business that is not included in the notice paper for that meeting provided that the Presiding Member has agreed to the business being raised and the Presiding Member considers that either;

- (a) the urgency of the business is such that the business cannot wait inclusion in the notice paper for the next meeting of the Council or committee; or
- (b) the delay in referring the business to the next meeting of the Council or committee could have adverse legal or financial implications for the council;

5.5.2 Any councillor may move without notice a procedural motion of dissent in respect of the Presiding Member's ruling that the business is not worthy of inclusion as urgent business. If the motion of dissent is agreed to at the meeting by the majority of councillors present, the business must then be included as a matter of urgent business.

5.6 Meeting of Electors

The Standing Orders apply, so far as is practicable, to any meeting of electors but where there is any inconsistency between the Standing Orders and the provisions of the Act, the Act shall prevail.

6. MEETINGS – PUBLIC CONDUCT

6.1 Admission and Removal of the Public

6.1.1 The public is admitted to Council meetings on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the council shall take place. In the event of any such interruption, the President may use discretion and without a vote of the council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the meeting. This direction by the President may not be challenged by moving dissent with the ruling and the President's ruling is final.

6.1.2 Any person, not being a member of the council, who interrupts the orderly conduct of the business of the council who does not withdraw immediately upon being called by the President to withdraw from the meeting place, may, by order of the President, be removed from the meeting place.

7. ROLE OF PRESIDENT

7.1 Directions by the President

7.1.1 At any meeting of the council the President shall have the right to direct attention to any matter of interest or relevance to the business of the Council or propose a change to the order of business.

7.1.2 Any member may move that a change in order of business proposed by the President not be accepted and if carried by a majority of councillors present, the proposed change in order will not take place.

7.2 The President to Take Part in Debates

Subject to the provisions of the Act and the standing orders, the President may take part in a discussion upon any question before the council, provided that like other councillors in accordance with these standing orders, the President may only speak once and provided that this is done before the right of reply is exercised.

7.3 Precedence of President

When the President speaks during the progress of a debate, any councillor then speaking, or offering to speak, shall immediately cease speaking and every councillor present shall preserve strict silence so that the President may be heard without interruption. This clause should not be used by the President to exercise the right provided in clause 7.2, but should be used to preserve order.

7.4 Dissent With the President's Ruling

Except where expressly denied in the Standing Orders or the Act, a councillor may move a procedural motion to disagree with a ruling given by the President. The President must immediately call for a seconder and put the motion without debate.

8. DISCLOSURE OF FINANCIAL INTERESTS

8.1 Separation of Committee Recommendations

Where a member of the Council has disclosed an interest in a matter, at a Committee meeting, and the matter is contained in the recommendations of the Committee to an ordinary meeting of Council or to another Committee meeting that will be attending by the member, the recommendation concerned is to be separated on the Agenda of the ordinary meeting or other committee meeting, from other recommendations of the Committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

8.2 Member with an Interest may ask to be Present

8.2.1 Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, without disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.

8.2.2 If such a request is made, the member is to leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

8.3 Member with an Interest may ask Permission to Participate

8.3.1 A member who discloses both the nature and extent of an interest, may request permission to take part in the consideration or discussion of the matter, or to vote on the matter.

8.3.2 If such a request is made, the member is to leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of an interest in a matter, be permitted to participate discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

8.4 Invitation to Return to Provide Information

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter and in such case the member is to withdraw after providing the information.

8.5 Disclosures by Employees

8.5.1 If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.

8.5.2 If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

9. PETITIONS, MEMORIALS, DEPUTATIONS AND COMMUNITY FORUM

9.1 Petitions and Memorials

9.1.1 Any petition or memorial to be submitted to the Council shall be in writing.

9.1.2 Presentation of Petitions and Memorials

A Councillor presenting a petition or memorial shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it.

9.1.3 Responsibility of Councillor Presenting Petitions and Memorials

A councillor presenting a petition or memorial shall be familiar with the nature and contents of the petition and ascertain that it does not contain language disrespectful to the Council or other persons.

9.1.4 Procedure for Petitions and Memorials

The only question which shall be considered by the Council on the presentation of any petition or memorial shall be –

- (a) that the petition or memorial shall be accepted; or
- (b) that the petition or memorial not be accepted; or
- (c) that the petition or memorial be accepted and referred to a committee for consideration and report; or
- (d) that the petition or memorial be accepted and be dealt with by the Council.

9.2 Deputations

9.2.1 Deputations wishing to be received by the Council shall be required in the first instance to send or deliver to the Chief Executive Officer in writing the subject matter to be raised by the deputation and the Chief Executive Officer shall arrange to have the written subject matter and deputation visit included on the agenda of the appropriate Council or committee at the first possible opportunity.

9.2.2 If the committee having received the deputation is of the opinion that the deputation matter is one that should be brought before the Council, the Chief Executive Officer shall arrange for the deputation written subject matter and deputation visit to be placed on the ordinary or special Council meeting agenda at the first possible opportunity.

9.2.3 A deputation shall not exceed three in number and any member of the deputation shall be at liberty to address the Council or a committee of the Council.

9.3 Community Forum

Any member of the public may at a committee meeting of the Council, only and during the community forum segment of the agenda and with the consent of the Presiding Member, speak on any matter either on the agenda for the meeting or that comes under the jurisdiction of the Council, provided that –

- (a) the member of the public's speaking rights to be exercised before the meeting debates the particular item if it is on the agenda;
- (b) a member of the public speaking during the community forum will be limited to a maximum period of three (3) minutes unless extended by the consent of the meeting which shall be signified without debate;
- (c) the meeting may, by resolution (which may be moved without notice) bring forward and deal with any item listed on the agenda immediately following the conclusion of a person's address to the meeting during community forum.

10. NOTICES OF MOTION

10.1 Notices of Motion to be in Writing

Unless the Act or the Standing Orders otherwise provides, a councillor may only bring forward at a meeting such business as is referred to in this clause in the form of a motion of which notice has been given, in writing, to the Chief Executive Officer.

10.2 Notice of Motion to the Chief Executive Officer

Notice of motion shall be given to the Chief Executive Officer either –

- (a) at the last previous Council meeting, or
- (b) at least seven clear days before the meeting at which it is to be brought forward.

10.3 Subject of Notice of Motion

Every notice of motion shall relate to business affecting the constitution, administration or condition of the Shire of Corrigin or the Council and the Chief Executive Officer shall rule out of order any notice of motion which does not comply with this clause.

10.4 Motion to Lapse

Every such motion as is mentioned in subclause 10.1 shall lapse unless –

- (a) the councillor who gave notice, or another councillor authorized by the councillor, in writing, is present to move the motion when called on; or
- (b) the council by resolution agrees to defer consideration of the motion to a later stage or date.

11. CONDUCT OF MEMBERS

11.1 Official Titles to be Used

Councillors shall address each other in the council during the transaction of business by their respective titles of President or Councillor. Councillors speaking of, or addressing officers, shall designate them by their respective official title.

11.2 Leaving Meetings

After a meeting of the Council has been formally constituted and the business commenced, a councillor officer of the Council shall not enter or leave such meeting without first paying due respect by deferring to the Presiding Member.

11.3 Debate – Maintenance of Order – Imputations – Offensive Expressions

No member may impute motives or use offensive or objectionable expression in reference to any councillor, officer of the council, or any other person.

11.4 Members to Occupy Own Seats

11.4.1 At the first ordinary meeting attended by a councillor after election, the Chief Executive Officer shall allot a position at the council table to each councillor and the councillor shall, until such time as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council.

11.4.2 No councillor shall be deemed to be present unless occupying that member's allotted place within the council chambers.

11.5 Alcohol

Consumption of alcohol in Council or committee meetings is prohibited.

11.6 Smoking

Smoking in Council or committee meetings is prohibited.

12. CONDUCT OF MEMBERS DURING DEBATE

12.1 Councillors Wishing to Speak

Every councillor wishing to speak during a council meeting shall indicate by show of hand or other method agreed upon by the Council. When invited by the President to speak, Councillors shall address the council through the President.

12.2 Priority

In the event of two or more councillor members wishing to speak at the same time, the President shall decide which councillor is entitled to priority to be heard. The decision shall not be open to discussion or dissent.

12.3 Relevance

Every councillor shall restrict remarks to the motion or amendment under discussion, or to an explanation or point of order.

12.4 Speaking Twice/Right of Reply

Except where this clause is suspended under clause 12.5, a councillor shall not speak twice on the same motion or amendment except;

- (a) in reply, upon an original motion of which the councillor was the mover;
- (b) in reply, upon an amendment last debated of which the councillor was the mover of the original motion;
- (c) by way of personal explanation, in accordance with clause 19.

12.5 Suspension

The Council may, by resolution moved without notice, suspend the operation of clause 12.4 and it shall be suspended until such time as the Council shall, by similar resolution, otherwise decide.

12.6 Limit of Speeches

A councillor shall only speak on any motion or amendment in reply for a period as in the discretion of the President is appropriate and in any event not for a period longer than five minutes without the consent of the Council, which shall be signified without debate. An extension shall not be permitted under this clause beyond a total of ten minutes.

12.7 Councillors not to speak After Conclusion of Debates

No councillor may speak to any motion or amendment after –

- (a) the mover has replied, or
- (b) the question has been put.

12.8 Irrelevance, Repetition, Imputations, Offensive Expressions

12.8.1 Any councillor may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a councillor. The President may then direct the offending councillor to cease the activity brought to the attention of the Council.

12.8.2 If after having been directed by the President in accordance with clause 12.8.1 to cease speaking a councillor continues to speak, any other councillor may move a motion that the councillor ceases to speak. The President shall immediately call for a seconder but there shall be no debate. If the motion is carried by a majority of councillors present, the offending councillor may take no further part in any debate on the question before the meeting.

12.9 Councillors Not to Interrupt

No councillor shall interrupt another councillor who is speaking unless –

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to move a permissible procedural motion, as set out in clause 14.1.

12.10 Presiding Member's Right to Adjourn Without Explanation to Regain Order

If a meeting ceases to operate in an orderly manner, the President may use his/her discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. This action cannot be challenged by any councillor. Upon resumption, debate will continue at the point at which the meeting was adjourned. If at any one meeting, the President has cause to adjourn the meeting on two occasions, the President has the right to adjourn the meeting for a period of no longer than seven days.

13. PROCEDURES FOR DEBATE OF MOTIONS

13.1 Motions and Amendments to be Presented

Any councillor who intends moving a substantive motion or amendment to a substantive motion shall present its substance before speaking to it and if required by the President, shall cause the motion or amendment to be put and submitted in writing.

13.2 Motion or Amendment to be Seconded

A motion or amendments to a motion shall not be discussed or put to the vote unless there is a seconder.

13.3 Only one Substantive Motion Considered

When a substantive motion is under debate at any meeting of the Council, no further substantive motions shall be accepted.

13.4 Order of Call in Debate

The President will call speakers to a substantive motion in the following order –

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;
- (h) Mover takes right of reply which closes debate.

13.5 Limit of Debate

The President may offer the right of reply and put the motion to the vote if the President believes sufficient discussion has taken place even though all members may not have spoken.

13.6 Secunder Requesting Right to Speak

A seconder may request the right to speak at a later time in the debate, however in the moving of any procedural motion which will close debate, or any amendment to the substantive motion, if carried, will automatically deny the seconder the right to speak to the substantive motion.

13.7 Negated Motions

A motion to the same effect as any motion that has been negated by the Council, except those motions provided for in clause 14.1 of the Standing Orders, shall not again be entertained within a period of three months except with the consent of an absolute majority of the councillors.

14. PROCEDURAL MOTIONS

14.1 Permissible Procedural Motions

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a councillor to move the following procedural motions –

- (a) that the Council proceed to the next business;
- (b) that the question be adjourned;
- (c) that the Council now adjourn;
- (d) that the question be put;
- (e) that the Council move into committee;
- (f) that the Council move out of committee;
- (g) that the Councillor no longer be heard;
- (h) that the ruling of the President (or person chairing the meeting) be disagreed with;
- (i) that the motion lie on the table;
- (j) that the Council or committee meet behind closed doors;
- (k) that the Council meet with open doors.

14.2 Procedural Motions Not Required in Writing

Procedural motions are not required to be presented in writing.

14.3 Procedural Motions – Recording in Minutes

The mover, seconder and result of all procedural motions shall be recorded in the minutes of the meeting.

14.4 Procedural Motions – Majority Required

Any procedural motion shall be carried upon the majority of Councillors voting.

14.5 Procedural Motions – Right of Reply

There shall be no right of reply on any procedural motion.

14.6 Procedural Motion – Right of Reply of Substantive Motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment will not deny the right of reply, to the mover of the substantive motion.

15. EFFECT OF PROCEDURAL MOTIONS

15.1 That the Council Proceed to the Next Business – Effect of Motion

The motion, that the Council proceed to the next business, having been carried, will cause the debate to cease immediately and for the Council to move to the next item on the agenda of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be placed on any future notice paper.

15.2 That the Question be Adjourned – Effect of Motion

The motion, that the question be adjourned, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened.

15.3 That the Council now Adjourn – Effect of Motion

The motion, that the Council now adjourn, having been carried, will cause the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the President or the majority of Councillors by voting, determine otherwise.

15.4 That the Question be Put – Effect of Motion

15.4.1 The motion, that the question be put, having been carried during discussion on a substantive motion without amendment, will cause the President to offer the right of reply and then immediately put the question under consideration without further debate.

15.4.2 The motion, that the question be put, having been carried during discussion on an amendment, will cause the President to put the amendment to the vote without further debate.

15.4.3 The motion, that the question be put, having been lost, will allow debate to continue.

15.5 That the Council Move Into Committee – Effect of Motion

The motion, that the Council move into committee, having been carried, will allow free and open discussion on the matter before the meeting. There will be no restrictions on the number of times each councillor may speak, provided that normal courtesy and order is maintained.

15.6 That the Council Move Out of Committee – Effect of Motion

The motion, that the Council move out of committee, having been carried, will see the meeting resume its former status and any decisions made during the time that the Council sits in committee must be formally agreed by the carrying of a substantive motion when the Council moves out of committee.

15.7 That the Councillor Be No Longer Heard – Effect of Motion

The motion, that the councillor be no longer heard, having been carried, will cause the President to not allow the councillor against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

15.8 That the Ruling of the President be Disagreed with – Effect of Motion

15.8.1 The motion, that the ruling of the President be disagreed with, having been carried, will cause the ruling of the President about which this motion was moved, to be reversed and for the meeting to proceed accordingly.

15.8.2 Where the President has adjourned the meeting in accordance with clause 11.10 of the Standing Orders, the motion, that the President be disagreed with, may not be moved.

15.9 That the Motion Lie on the Table – Effect of Motion

15.9.1 The motion, that the motion lie on the table, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.

15.9.2 Any councillor may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.

15.9.3 When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to the standing orders.

15.10 That the Council or Committee Meets Behind Closed Doors – Effect of Motion

15.10.1 In accordance with the Act, the motion, that Council meet behind closed doors, if carried, will cause the public and any officers or employees of the Shire of Corrigin as the Council determines to leave the room.

15.10.2 No person shall in any way publish, or make public, any of the discussion taking place on a matter discussed behind closed doors, but this prohibition shall not extend to the actual resolution or resolutions carried as a result of such discussion and recorded in the minute book.

15.11 That Council Now Meet with Open Doors

The motion, that Council now meet with open doors, if carried, will revert the meeting to its former status, being open to the public.

16. DECISION MAKING PROCEDURES

16.1 Voting and Decisions – Majority to Determine

All acts of the Council, and all questions coming before the council, may be decided by a simple majority of the councillors present and voting, at a properly constituted meeting, unless otherwise provided for in the standing orders or the Act.

16.2 Breaking Down of Complex Questions

The President may order a complex question to be broken down and put in the form of several motions, which shall be put in sequence.

16.3 Councillor May Require Questions to be Read

Any Councillor may require the question or matter under discussion to be read at any time during a debate but not so as to interrupt any other councillor whilst speaking.

16.4 Order of Amendments

Any number of amendments may be proposed to a motion, but whenever an amendment is proposed to be made to a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

16.5 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended shall then be submitted as the substantive motion, and shall become the question before the Council upon which any member may speak and any further amendment may be moved.

16.6 Repetition of Motions

No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same sitting of Council or during the last 3 months, unless agreed by an absolute majority.

16.7 Consent of Secunder Required to accept Alteration of Wording

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

16.8 Withdrawal of Motion and Amendments

Council may, without debate, grant leave to withdraw a motion or amendment upon the request of the mover of the motion or amendment and with the approval of the seconder provided that there is no objection raised by any councillor, in which case discussion on the motion or amendment shall not continue.

16.9 Limitation of Withdrawal

Subject to clause 10, where an amendment has been moved to a substantive motion, the substantive motion shall not be withdrawn, except by consent of the majority of councillors present, until the amendment proposed has been withdrawn or lost.

16.10 Authority for Withdrawal

A motion or amendment to a motion shall not be withdrawn in the absence of the councillor who proposed it, except with their written authority.

16.11 Right of Reply

16.11.1 The mover of a substantive motion shall have the right of reply. After the mover of the substantive motion has commenced the reply, no other councillor shall speak on the question.

16.11.2 The right of reply must be confined to rebutting arguments raised by previous speakers and no new matters may be introduced.

16.12 Right of Reply Provisions

The right of reply shall be governed by the following provisions –

- (a) If there is no amendment to the substantive motion, the mover may reply at the conclusion of the discussion on the motion.
- (b) If there is an amendment, the mover of the substantive motion shall take the right of reply at the conclusion of the vote on any amendments.
- (c) The mover of any amendment does not have a right of reply.
- (d) Once the right of reply has been taken as the mover of the substantive motion, there can be no further discussion, nor any other amendment and the substantive motion as amended is immediately put to the vote.

16.13 Amendments to be Relevant

Every amendment shall be relevant to the motion upon which it is moved and be framed to show precisely which words need to be deleted, added or altered.

16.14 Amendments Must Not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

16.15 Mover of Motion not to Speak on Amendment

On an amendment being moved, any councillor may speak to the amendment, except the person who moved the substantive motion who is only entitled to a right of reply except, that if the person who moved the substantive motion does choose to speak to the amendment, that person's right of reply is forfeited.

16.16 Questions – When Put

When the debate upon any question is concluded and the right of reply has been exercised, the President shall immediately put the question to the Council and, if so desired by any councillor shall again state it.

16.17 Method of Taking Vote

If the vote of members present at a council meeting are equally divided, the person presiding may cast a second vote.

16.18 Votes to be Recorded

If a Councillor at a meeting asks that his or her vote, or the vote of all members present, be recorded in the Minutes, this shall be done.

16.19 Revoking or Changing Decisions made at Council or Committee Meetings

16.19.1 A substantive motion may be revoked at any time provided that no action in relation to the resolution being rescinded has already occurred.

16.19.2 If a decision has been made at a council meeting, then any motion to revoke or change the decision must be supported –

- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
- (b) in any other case, by as least one third of the number of offices (whether vacant or not) of Councillors of the council or mover, inclusive of the mover.

16.19.3 This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

16.20 Unopposed Business

16.20.1 Upon a motion being moved and seconded, the President shall enquire if any councillor opposes that motion. If no one indicates an intention to oppose the motion, the President may proceed to put the motion to the vote without debate.

16.20.2 If a councillor signifies opposition to a motion the motion shall be dealt with according to the Standing Orders generally.

15.21 All Councillors to Vote

Save where the Act otherwise provides, at every meeting of the council every member shall vote, and if any member who is entitled to vote fails to vote, the President shall call upon the member to vote.

17. POINTS OF ORDER

17.1 Points of Order – When to Raise - Procedure

Upon a matter of order arising during the progress of a meeting, any councillor may raise a point of order including interrupting the speaker. Any councillor who is speaking when a point of order is raised, shall immediately cease while the President listens to the point of order.

17.2 Points of Order - Definitions

Expressing a difference of opinion or to contradict a speaker shall not be recognized as raising a point of order, but the following shall be recognized as valid points of order –

- (a) That the discussion is of a question not before the Council.
- (b) That offensive or insulting language is being used.
- (c) Drawing attention to the violation of any local law or standing order of the council, providing that the councillor raising the point of order shall state the local law or standing order believed to be breached.

17.3 Points of Order - Ruling

The President shall give a decision on any point of order after the point has been raised by either upholding or rejecting the point of order.

17.4 Points of Order – Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the President upon any point of order shall be final, unless a majority of the councillors support a motion of dissent with the President's ruling.

17.5 Points of Order – Motion Against Ruling Procedure

An objection having been taken to the ruling of the President, the councillor so objecting may immediately move dissent with the ruling. Should the motion be seconded it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action of the Council.

17.6 Points of Order Take Precedence

Notwithstanding anything contained in these standing orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

18. ADJOURNMENT OF MEETING

18.1 Meeting May be Adjourned

The council may, upon a motion moved and seconded, adjourn any meeting to a later hour of the same day, or to any other time not more than seven days from the date of adjournment.

18.2 Notice of Adjourned Meeting

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each councillor in the manner provided in clause 2 of the Standing Orders.

18.3 Business at Adjourned Meeting

At an adjourned meeting, no additional business shall be discussed except that which was on the original notice paper for that meeting.

18.4 Limit to Moving Adjournment of Council

No councillor shall be allowed to move or second more than one motion of adjournment during the same sitting of the Council.

18.5 Unopposed Business – Motion for Adjournment of Council

On a motion for the adjournment of the Council, the President, before putting the motion, may seek leave of the council to proceed to the transaction of unopposed business.

18.6 Withdrawal of Motion for Adjournment of Council

A motion or an amendment relating to the adjournment of the Council may be withdrawn by the mover, with the consent of the seconder, except that if any councillor objects to the withdrawal the motion must continue to be debated.

19. PERSONAL EXPLANATION

19.1 Personal Explanation

No councillor shall speak, except upon the question before the Council, unless it is to make a personal explanation. Any councillor who is permitted to speak under these circumstances must confine the personal explanation to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a councillor gives an explanation, that councillor shall make no reference to matters not strictly necessary for that purpose, nor endeavor to strengthen the former position by introducing new argument or matter, nor reply to other councillors of the council.

19.2 Personal Explanation – When Heard

A councillor wishing to make a personal explanation of matters referred to by any other councillor then speaking shall be entitled to be heard immediately if the councillor then speaking consents, but if the councillor who is speaking declines to give way, the personal explanation must be offered at the conclusion of that speech.

19.3 Ruling on Questions of Personal Explanation

The ruling of the President on the admissibility of a personal explanation shall be final unless a motion of dissent with the ruling is moved before any other business proceeds.

20. COMMITTEES OF COUNCIL

20.1 Committees

Committees of the Council shall operate in accordance with the Act and its regulations.

20.2 Standing Order to Apply to Committee

The Standing Orders shall apply generally to the proceedings of committees of the Council except that the requirement for councillors to speak only once shall not be applied in meetings of committees and at meetings of committees of the Council only, with the petitions, memorials and deputations segment of the meeting agenda, there shall be a community forum segment as set out in clause 9.3 of the Standing orders.

20.3 Attendance by Councillors as Observers

Councillors have the right to attend meetings of committees that they are not appointed to as observers and may be permitted by the Presiding Member to speak on any matter under consideration by the committee but shall not be entitled to vote.

21. ADMINISTRATIVE MATTERS

21.1 Copies of Act and Standing Orders and papers to Councillors of the Council

The Chief Executive Officer shall provide to each Councillor as soon as convenient after being elected to office, a copy of the Act and local laws regulating and governing the administration of the local government.

21.2 Custody and Use of Common Seal

The Chief Executive Officer shall have charge of the common seal of the Council and shall be responsible for the safe custody and proper use of it.

21.3 Seal Not to be Improperly Used

Except as required by law, or in the exercise of the express authority of the Council, the Chief Executive Officer shall not use the common seal of the Council.

21.4 Suspension of Standing Orders

The mover of a motion to suspend any Standing Order shall state the clause or subclause of the Standing Order to be suspended.

21.5 Cases not Provided for in the Standing Orders

The Presiding member shall decide all questions of order, procedure, debate or otherwise where no provision or insufficient provision is made in the Standing Orders.

21.6 Decisions of the Presiding Member

All decisions of the Presiding member shall be final unless a majority of the councillors then present, by resolution made forthwith and without discussion, dissent therefrom.

21.7 Duty of Chief Executive Officer

It is the duty of the Chief Executive Officer to draw the attention of the Council to any breach or likely breach of the Standing Orders even if it requires interrupting any person speaking, including the President.

21.8 Enforcement

21.8.1 The Presiding member of any Council or committee meeting is authorized to enforce the Standing Orders during the course of the meeting.

21.8.2 No action shall be taken by the Shire of Corrigin to institute legal proceedings for an alleged breach of the Standing Orders unless by resolution of the Council.

Dated this 16th day of August 2000.

The Common Seal of the Shire of Corrigin is hereunto affixed by authority of a resolution of Council in the presence of –

D.P. Abe, President
B.W. Mead, Chief Executive Officer

Works and General Purposes Committee

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Works and General Purposes Committee ('Committee').

2.0 ROLE OF THE COMMITTEE

To advise and recommend to Council on the acquisition of significant Shire assets and equipment.

3.0 OBJECTIVES OF THE COMMITTEE

To assess and make recommendations to Council in relation to acquiring significant assets or equipment.

4.0 MEMBERSHIP

The Council appoints to the Committee those categories of membership outlined below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. Membership of the Committee shall be four (4) Councillors.

5.0 PRESIDING MEMBER

The members of the Committee shall elect a Presiding Member to chair committee meetings and a Deputy Presiding Member to chair in the absence of the Presiding Member. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The *Local Government Act 1995* places responsibility for speaking on behalf of Council with the President, or the Chief Executive Officer if the President agrees.

The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

The Committee is established by the Council of the Shire of Corrigin under the powers given in section 5.8 of the *Local Government Act 1995*. Meetings are to be held twice yearly on a date to be determined by the Presiding Member in consultation with the Committee Members.

Notice of meetings, quorum requirements of the members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the Local Government Act 1995.

7.0 DELEGATED POWERS

The Committee has no delegated powers and is a committee to Council only. Recommendations of Committee meetings are to be presented to Council by Shire officers for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.

Infrastructure and Building Maintenance Committee

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Infrastructure and Building Maintenance Committee ('Committee').

2.0 ROLE OF THE COMMITTEE

To advise Council on the Shires infrastructure and building maintenance needs.

3.0 OBJECTIVES OF THE COMMITTEE

- To assess and make recommendations to Council in relation to Shires infrastructure and building maintenance needs.
- To recommend to Council a schedule of works associated with Shires infrastructure and buildings for submission to the forthcoming Council Budget.

4.0 MEMBERSHIP

The Council appoints to the Committee those categories of membership outlined below.

Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. Membership of the Committee shall be four (4) Councillors.

5.0 PRESIDING MEMBER

The members of the Committee shall elect a Presiding Member to chair committee meetings and a Deputy Presiding Member to chair in the absence of the Presiding Member. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The Local Government Act 1995 places responsibility for speaking on behalf of Council with the President, or the Chief Executive Officer if the President agrees.

The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

The Committee is established by the Council of the Shire of Corrigin under the powers given in section 5.8 of the Local Government Act 1995.

Meetings are to be held twice yearly on a date to be determined by the Presiding Member in consultation with the Committee Members. Notice of meetings, quorum requirements of the members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the Local Government Act 1995.

7.0 DELEGATED POWERS

The Committee has no delegated powers and is a Committee to Council only. Recommendations of Committee meetings are to be presented to Council by Shire officers for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.

Audit and Risk Management Committee

Instrument of Appointment and Delegation

1.0 INTRODUCTION

The Council of the Shire of Corrigin (hereinafter called the "Council") hereby establishes a committee under the powers given in Section 5.8 and Section 7.1 A of the Local Government Act 1995, Local Government Amendment Act 2004 and Audit Regulations, such committee to be known as the Audit and Risk Management Committee, (hereinafter called the "Committee"). The Council appoints to the Committee those persons whose names appear in Section 4.0 below.

Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, the Local Government Amendment Act 2004 and the Local Government (Audit) Amendment Regulations 2005, local laws and policies of the Shire of Corrigin and this Instrument.

2.0 NAME

The name of the Committee shall be the Audit and Risk Management Committee.

3.0 ROLE

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its objectives in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.

4.0 OBJECTIVES OF THE COMMITTEE

4.1 To provide guidance and assistance to the Council in:

- a) carrying out its audit functions under Part 7 of the Local Government Act;
- b) the development of a process to be used to select and appoint an auditor;
- c) determining the scope and content of the external and internal audit and advising on the general financial management of the Shire;
- d) overseeing the audit process and meeting with the external auditor after each visit to discuss management issues and monitoring administration's actions on, and responses to, any significant matters raised by the auditor;
- e) evaluating and making recommendations to Council on internal and external audit reports prior to them being presented to Council;
- f) receiving and verifying the annual Local Government Statutory Compliance Return;
- g) review reports provided by the CEO on the Shire's systems and procedures in relation to:
 - i. risk management;
 - ii. internal control; and
 - iii. legislative compliance;

at least once every 2 years and report to Council the results of that review. Ref: *Functions of Audit Committees (Audit Regs)*.

- 4.2 To advise Council on significant high level strategic risk management issues related to the Shire of Corrigin including issues involving:
- a) the community;
 - b) the workforce;
 - c) vehicles and plant;
 - d) buildings and similar property;
 - e) revenue streams;
 - f) legal liability;
 - g) electronically stored information;
 - h) environmental impact;
 - i) fraud; and
 - j) reputation.

5.0 MEMBERSHIP

The Committee shall consist of all Councillors. Additionally up to two independent consultants with expertise in financial or legal matters will be called upon as required to provide additional independent external advice to the Committee. The external independent persons will have senior business, legal or financial management/reporting knowledge and experience, and be conversant with the financial and other reporting requirements.

Appointments of external consultants shall be made by the CEO following a decision of Council and the allocation of sufficient funds to provide consultation fees using relevant professional fee schedules. No member of staff including the CEO is to be a member of the Committee, but the CEO may participate as Council's principal advisor, unless expressly excluded by resolution of the Committee.

6.0 PRESIDING MEMBER

The President will take the role of Presiding Member and Deputy President the role of Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders (Local Law). The Local Government Act 1995 places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees. The Presiding Member if different from the President is to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the President.

7.0 CONDUCT OF MEETINGS

The Committee shall meet at least three times per year. A schedule of meetings will be developed and agreed to by the members. As an indicative guide, meetings would be arranged to coincide with relevant Council reporting deadlines, for example in February to discuss the Statutory Compliance Return, in July to discuss the year's financial performance and to discuss the annual audit program and in November to discuss the Annual Financial Report. Additional meetings shall be convened at the discretion of the Presiding Member.

Any three members of the Committee collectively or the internal or external auditor themselves may request the Presiding Member to convene a meeting. From a time management point of view, urgent matters which may arise should be referred directly to Council through the bi-monthly meetings or to a Special Council meeting.

- 7.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.
- 7.2 The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 days after each meeting, provide Council with a copy of such minutes. Council shall provide secretarial and administrative support to the Committee.
- 7.3 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding must cast a second vote.
- 7.4 The Chief Executive Officer should attend all meetings, except when the Committee chooses to meet in camera with the exclusion of the CEO.
- 7.5 Representatives of the external auditor should be invited to attend at the discretion of the Committee but must attend meetings either in person or by telephone link up considering the draft annual financial report and results of the external audit.
- 7.6 The internal auditor or representative shall be invited to attend meetings, at the discretion of the Committee, to consider internal audit matters.

8.0 QUORUM

Quorum for a meeting shall be at least 50% of the number of officers, whether vacant or not. A decision of the Committee does not have effect unless a simple majority has made it.

9.0 DELEGATED POWERS

The Committee has no delegated powers under the Local Government Act and is to advise and make recommendations to Council only. The Audit and Risk Management Committee is a formally appointed committee of Council and is responsible to that body. The Audit and Risk Management Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The following guidelines are to provide further direction from Council for the operation of the Committee:

9.1 *The External Audit*

The Committee shall:

- Develop the process of appointment of the external auditor and recommend a suitable Auditor for appointment by Council. Prior to appointment, discuss the scope of the audit and any additional procedures required from the external auditor. Invite the external auditor to attend audit committee meetings to discuss the audit results and consider the implications of the external audit findings.
- Inquire of the auditor if there have been any significant disagreements with management and whether they have been resolved.
- Monitor management responses to the auditor's findings and recommendations.
- Review the progress by management in implementing audit recommendations and provide assistance on matters of conflict.
- Provide a report and recommendations to Council on the outcome of the external audit.

9.2 *Co-ordination of Auditors*

The Committee shall:

- Oversee the work of the internal audit function to facilitate co-ordination with the external auditor.
- Meet periodically with the Chief Executive Officer, senior management staff and internal and external auditors to understand the organisation's control environment and processes.

9.3 Duties and Responsibilities

The following duties and responsibilities of the Committee will include:

- i. To review the scope of the internal audit plan and program and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addresses:
 - internal controls over significant areas of risk, including non-financial management control systems;
 - internal controls over revenue, expenditure, assets and liability processes;
 - the efficiency, effectiveness and economy of significant Council programs; and
 - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
- ii. Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
- iii. Review the level of resources allocated to internal audit and the scope of its authority.
- iv. Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
- v. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
- vi. Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference.
- vii. Review management's response to, and actions taken as a result of the issues raised.
- viii. Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
- ix. Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.
- x. Review Council's draft annual financial report, focusing on:
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements;
 - significant variances from prior years.
- xi. Recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- xii. Discuss with the external auditor the scope of the audit and the planning of the audit.
- xiii. Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- xiv. Review tendering arrangements and advise Council.
- xv. Review the annual performance statement and recommend its adoption to Council.
- xvi. Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators.
- xvii. Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council if appropriate. Oversee any subsequent investigation, including overseeing of the investigation of any suspected cases of fraud within the organisation.
- xviii. Monitor the progress of any major lawsuits facing the Council.
- xix. Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.
- xx. Report to Council after each meeting, in the form of minutes or otherwise, and as necessary and provide an annual report to Council summarising the activities undertaken during the year.

- xxi. The Committee in conjunction with Council and the Chief Executive Officer should develop the Committee's performance indicators.
- xxii. The Committee, through the Chief Executive Officer and following authorisation from the Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.
- xxiii. Advise Council on significant risk management issues related to the Shire of Corrigin including major issues involving:
 - The Community;
 - The Workforce;
 - Vehicles and Plant;
 - Buildings and Similar Property;
 - Revenue Streams;
 - Legal Liability;
 - Electronically Stored Information;
 - Environmental Impact;
 - Fraud; and
 - Reputation.
- xxiv. Review reports on the appropriateness and effectiveness of the Shire's systems and procedures in relation to:
 - risk management;
 - internal control; and
 - legislative complianceand report to Council.

9.4 Reporting Powers

The Committee:

- Shall report to Council and provide recommendations on matters pertaining to its terms of reference by assisting elected members in the discharge of their responsibilities for oversight and corporate governance of the local government.
- Does not have executive powers or authority to implement actions in areas that management has responsibility.
- Is independent of the roles of the Chief Executive Officer and his senior staff as it does not have any management functions.
- Does not have any role pertaining to matters normally addressed by the Local Emergency Management Committee and Council in relation to financial management responsibilities in relation to budgets, financial decisions and expenditure priorities.
- Is a separate activity and does not have any role in relation to day-to-day financial management issues or any executive role or power.
- Shall after every meeting forward the minutes of that meeting to the next Ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.
- Shall report annually to the Council summarising the activities of the Committee during the previous financial year.

10.0 TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- a) in accordance with the Local Government Act 1995; or
- b) at the direction of the Council.

11.0 AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

This document may be altered at any time by the Council.

12.0 COMMITTEE DECISIONS

The Committee recommendations are advisory only and shall not be binding on Council

CEO Performance Review Occasional Committee

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the CEO Performance Review Occasional Committee ('Committee').

2.0 ROLE OF THE COMMITTEE

To advise Council on the outcome of Shire expenditure items.

3.0 OBJECTIVES OF THE COMMITTEE

- Compile the consensus response for each of the key result areas detailed in clause of the Chief Executive Officer's (CEO) contract of employment.
- Conduct a performance review feedback session with the CEO.
- Prepare and submit for Council approval a report describing the assessment developed during the performance review, changes to be made, special tasks to be done, or decisions to follow as a result of the evaluation.
- Prepare and submit for Council approval the agreed performance objectives for the next review period.
- Prepare and submit for Council approval any variations to the CEO's conditions of employment.

4.0 MEMBERSHIP

The Council appoints to the Committee those categories of membership outlined below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. Membership of the Committee shall be all Councillors.

5.0 PRESIDING MEMBER

The Shire President is the Presiding Member to chair committee meetings. The Deputy Shire President is the Deputy Presiding Member to chair in the absence of the Presiding Member. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The Local Government Act 1995 places responsibility for speaking on behalf of Council with the President.

With the exception of the Shire President, individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

The Committee is established by the Council of the Shire of Corrigin under the powers given in section 5.8 of the Local Government Act 1995. Meetings are to be held in November and March each year on a date to be determined by the Presiding Member in consultation with the Committee Members.

Notice of meetings, quorum requirements of the members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the Local Government Act 1995. As the matter relates to a member of the Shire's staff, the meeting, agenda and minutes will be considered 'Confidential Business' so that Council may discuss the item, which behind closed doors.

7.0 DELEGATED POWERS

The Shire President may appoint an independent facilitator to assist with the performance review process, whom is acceptable to both the Chief Executive Officer and the Shire President.

The Committee has no delegated powers and is a committee to Council only. Recommendations of Committee meetings are to be presented to Council by the Shire President for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.

Corrigin Local Emergency Management Committee

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Corrigin Local Emergency Management Committee ('Committee').

2.0 ROLE OF THE COMMITTEE

To assist the Local Emergency Coordinators (Officers in Charge of the Corrigin Police District) to develop and maintain effective emergency management arrangements for the Shire of Corrigin.

3.0 OBJECTIVES OF THE COMMITTEE

- To advise and assist the Shire of Corrigin in ensuring that local emergency management arrangements are established for its district.
- To liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements.
- To assist with the preparation and approval of the Corrigin Local Emergency Management Plan and submit such plans to the Office of Emergency Management (OEM) for approval.
- To review at least annually the Corrigin Local Emergency Management Plan.
- To assist in the preparation of emergency management operating procedures for application in the Shire of Corrigin.
- To ensure appropriate testing and exercising of the local emergency management plan.
- To prepare an annual report of the activities of the Committee for submission to the OEM.
- To provide assistance to the Local Emergency Coordinators and Lead Combat Authorities during emergency management operations.
- To carry out such other emergency management functions as directed by OEM.

4.0 MEMBERSHIP

The Council appoints to the Committee those ex-officio representatives whose titles appear below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term.

Membership of the Committee shall be:

- The President of the Shire of Corrigin
- Deputy Shire President
- The Officer in Charge of the Corrigin Police District or delegate(s)
- The Officer in Charge of the Fire and Rescue Service in Corrigin or their delegates
- The Shire's Chief Bush Fire Control Officer
- The SES Area Manager or delegate
- The Officers in Charge of the St John Ambulance District of Corrigin or delegate
- A health representative from the Corrigin Hospital
- An officer from the Department for Child Protection and Family Support
- Representatives from other agencies as required

Recreation Planning Advisory Committee

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Recreation Planning Advisory Committee ('Committee').

2.0 ROLE OF THE ADVISORY COMMITTEE

To advise Council on the effective and efficient provision of sport and recreation services and facilities in the Shire and to provide a forum for the dissemination and consideration of information regarding sport and recreation issues.

3.0 OBJECTIVES OF THE ADVISORY COMMITTEE

- a) To make recommendations to assist Council in its decision making regarding the development of policies and key strategies in relation to sport and recreation in the Shire.
- b) To assess proposals and make recommendations to Council in relation to the development, operation and utilisation of sporting facilities in the Shire.
- c) To contribute to the development and implementation of a Shire of Corrigin Recreation Plan which underpins '*Goal Six: We need good services to support our development as a Shire*' of the Shire's Strategic Community Plan 2013 – 2023.

4.0 MEMBERSHIP

The Council appoints to the Committee those categories of membership outlined below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. Membership of the Committee shall be:

- Two Councillors.
- Up to 20 representatives of sport and recreation clubs operating within and comprising members based in the Shire of Corrigin.

Representatives of sport and recreation clubs are required to have a letter of authorisation from their club, appointing the person as a representative to the committee. Authorised representatives of sport and recreation clubs who are not appointed to the Committee may attend meetings and participate as a "proxy" at the discretion of the Presiding Member. Club representatives that are acting as a proxy have full voting rights at the meeting. Council staff members will provide advice and administrative support to the Committee.

5.0 PRESIDING MEMBER

The members of the Committee shall elect a Presiding Member to chair committee meetings and also, a Deputy Presiding Member to chair in the absence of the Presiding Member.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The Local Government Act 1995 places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees.

The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

The Committee is established by the Council of the Shire of Corrigin under the powers given in section 5.8 of the Local Government Act 1995. Meetings are to be held as required on a date to be determined by the Presiding Member in consultation with the Advisory Committee Members.

Notice of meetings, quorum requirements of the members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the Local Government Act 1995.

7.0 DELEGATED POWERS

The Committee has no delegated powers and is an advisory committee to Council only. Recommendations of Committee meetings are to be presented to Council by Shire officers for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.

Rockview Land Management Advisory Committee

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Rockview Land Management Advisory Committee ('Committee').

2.0 ROLE OF THE ADVISORY COMMITTEE

To advise Council on the effective and equitable means of establishing a cropping program on the Shire's Rockview land.

3.0 OBJECTIVES OF THE ADVISORY COMMITTEE

To make recommendations to assist Council in its decision making regarding a cropping program on the Shire's Rockview agricultural and

4.0 MEMBERSHIP

The Council appoints to the Advisory Committee those categories of membership outlined below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. Membership of the Committee shall be four (4) Councillors

5.0 PRESIDING MEMBER

The Committee shall elect a Presiding Member to chair committee meetings and also, a Deputy Presiding Member to chair in the absence of the Presiding Member. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The Local Government Act 1995 places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees.

The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

The Committee is established by the Council of the Shire of Corrigin under the powers given in section 5.8 of the Local Government Act 1995.

Meetings are to be held as required on a date to be determined by the Presiding Member in consultation with the Advisory Committee Members.

Notice of meetings, quorum requirements of the members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the Local Government Act 1995.

7.0 DELEGATED POWERS

The Committee has no delegated powers and is an advisory committee to Council only. Recommendations of Committee meetings are to be presented to Council by Shire officers for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.

Note: By Council resolution No. 48/2016 of March 2016, Council resolved as follows:

That Council in future, applications for the cropping of the land to be called for early in the month of September of the last year of the lease with a closing date of 30 November to enable Committee to meet to discuss the applications at a meeting in December.

Corrigin Community Resource Centre Advisory Committee

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Corrigin Community Resource Centre Advisory Committee ('Committee').

2.0 ROLE OF THE ADVISORY COMMITTEE

To advise Council on the effective and equitable means of operating the Shire's Corrigin Community Resource Centre.

3.0 OBJECTIVES OF THE ADVISORY COMMITTEE

To make recommendations to assist Council in its decision making regarding the Corrigin Community Resource Centre.

4.0 MEMBERSHIP

The Council appoints to the Advisory Committee those categories of membership outlined below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. Membership of the Committee shall be One Councillor.

5.0 PRESIDING MEMBER

The Committee shall elect a Presiding Member to chair committee meetings and also, a Deputy Presiding Member to chair in the absence of the Presiding Member. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The Local Government Act 1995 places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees.

The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

The Committee is established by the Council of the Shire of Corrigin under the powers given in section 5.8 of the Local Government Act 1995. Meetings are to be as required on a date to be determined by the Presiding Member in consultation with the Advisory Committee Members.

Corrigin Recreation and Events Centre Advisory Committee

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Corrigin Recreation and Events Centre Advisory Committee ('Committee').

2.0 ROLE OF THE ADVISORY COMMITTEE

- To advise Council on the effective, efficient, economic and equitable means of operating the Corrigin Recreation and Events Centre.
- To provide a forum for the dissemination and consideration of information regarding sport and recreation issues with particular reference to operating the Corrigin Recreation and Events Centre.

3.0 OBJECTIVES OF THE ADVISORY COMMITTEE

- To make recommendations to assist Council in its decision making regarding the Corrigin Recreation and Events Centre.
- To assess proposals and make recommendations to Council in relation to the development, operation and utilisation of the Corrigin Recreation and Events Centre.

4.0 MEMBERSHIP

The Council appoints to the Advisory Committee those categories of membership outlined below.

Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. Membership of the Committee shall be:

- One Councillor.
- The following representatives of sport and recreation clubs operating within and comprising members based in the Shire of Corrigin:
 - Corrigin/Babakin Cricket Club
 - Corrigin Football Club;
 - Corrigin Hockey Club;
 - Corrigin Netball Club; and
 - Corrigin Squash Club.

Representatives of sport and recreation clubs are required to have a letter of authorisation from their club, appointing the person as a representative to the committee.

Authorised representatives of sport and recreation clubs who are not appointed to the Committee may attend meetings and participate as a "proxy" at the discretion of the Presiding Member. Club representatives that are acting as a proxy have full voting rights at the meeting. Council staff members will provide advice and administrative support to the Committee.

5.0 PRESIDING MEMBER

The members of the Committee shall elect a Presiding Member to chair committee meetings and also, a Deputy Presiding Member to chair in the absence of the Presiding Member.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The Local Government Act 1995 places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees.

The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

The Committee is established by the Council of the Shire of Corrigin under the powers given in section 5.8 of the Local Government Act 1995. Meetings are to be held every two months on a date to be determined by the Presiding Member in consultation with the Advisory Committee Members.

Notice of meetings, quorum requirements of the members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the Local Government Act 1995.

7.0 DELEGATED POWERS

The Committee has no delegated powers and is an advisory committee to Council only. Recommendations of Committee meetings are to be presented to Council by Shire officers for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.

Corrigin Bush Fire Advisory Committee

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Corrigin Bush Fire Advisory Committee ('Committee').

2.0 ROLE OF THE ADVISORY COMMITTEE

To formulate for Council's consideration, recommendations and policy on matters relating to bush fire prevention, control and extinguishment.

3.0 OBJECTIVES OF THE ADVISORY COMMITTEE

- To advise Council on all matters relating to the operations of the Bush Fires Act 1954.
- To advise Council on the best and most efficient means of maximising fire control resources in the district.

4.0 MEMBERSHIP

The Council appoints to the Committee those ex officio representatives listed in the categories of membership outlined below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term.

Council may dismiss members who miss two consecutive meetings without reasonable cause. Membership of the Committee shall be:

- The President of the Shire of Corrigin.
- The Chief Bush Fire Control Officer (CBFCO).
- The Deputy Chief Bush Fire Control Officer (DBFCO).
- One Bush Fire Control Officer (appointed by the Shire in accordance with the Bush Fires Act 1954) from each Brigade.
- One Councillor nominated by the Council.

Chief Executive Officer and other Shire staff members will provide advice and administrative support to the Committee.

A Representative from DFES Great Southern Region and any other agency as determined by the Presiding Member will be invited to attend and provide reports on their respective agencies.

5.0 PRESIDING MEMBER

The President takes the role of Presiding Member. The members of the Committee shall elect a Deputy Presiding Member to chair in the absence of the Presiding Member.

The election of the Presiding Member and the Deputy shall also be required to be repeated at the first meeting after the local government election to satisfy the requirements of the Local Government Act.

This can be facilitated by the CEO or the CEO's representative conducting the election calling for a motion to confirm the election of the CBFCO and the DBFCO.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The Local Government Act 1995 (LGA) places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees. The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

Ordinary meetings of the Committee shall be held on a day as determined by the Presiding Member generally in April or May and October or November each year. Written notice shall be given to all Committee members, at least 14 days prior to the meeting. Special meetings of the Committee may be convened:

- By the Presiding Member
- By written notice to all Committee members, such notice being signed by at least four members of the Committee, giving not less than 7 days notice and stating purpose of the meeting.
- By the Council

The time and venue of meetings will be determined by the Presiding Member or the Council having due regard to the general convenience of the Committee members.

The Committee is established by the Council of the Shire of Corrigin under the powers and given in section 5.8 of the Local Government Act 1995 and under section 67 (Advisory Committees) of the Bush Fires Act 1954. Notice of meetings, quorum requirements of 50% of members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the Local Government Act 1995.

7.0 DELEGATED POWERS

The Committee has no delegated powers and is an advisory committee to Council only. Recommendations of committees meetings are to be presented to Council by Shire staff for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.



Government of **Western Australia**
Department of **Local Government and Communities**

Local Government Operational Guidelines

Number 10 – Revised August 2012

Appointing a CEO

1. Introduction

Selecting and appointing a Chief Executive Officer (CEO) is one of the most important tasks elected members may undertake during their term of office. Choosing the right person is critical to the success of the council and the local government.

It is essential that correct processes are followed so that every opportunity is given to the candidates to put the appropriate information forward so the council can choose the person most suited to the position. It is important that elected members understand that when they appoint a CEO they are entering into a contractual relationship with the CEO. A commitment to trust and good faith by both parties will lead to an effective relationship between the council and the CEO. This guideline has been developed to assist councils to conduct an effective process when selecting their new CEO.

2. Legislation

There are three sections of the *Local Government Act 1995* (the Act) that have direct application to the appointment of a CEO. Section 5.36(2)(a) and (b) of the Act provides that a local government is not to employ a person to fill the position of CEO unless the council believes that the person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract. Section 5.39 contains provisions for the contracts of CEOs. Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

In addition to the above provisions of the Act the *Local Government (Administration) Regulations 1996*, regulations 18A, 18B, 18C, 18E, 18F and 19A also deal with advertising, contracts, and the selection and appointment process.

The principles of merit and equity refer to the process of filling vacancies whereby a thorough assessment is made of the candidates' skills, knowledge and abilities against the work related requirements of the vacancy. The process must be open, competitive and free from bias, unlawful discrimination, nepotism or patronage.

"Suitably qualified" is not defined in the legislation but the intention is not limited to academic qualifications. Through the position description and selection criteria the council needs to ensure that processes are in place to appoint the person that best meets the qualities required in terms of academic qualifications, experience, skills and knowledge.

3. Outsourcing the Recruitment Process

Depending on the size of the local government and the availability and skills of staff, outsourcing the recruitment process may be the best option.

Generally recruitment consultants provide a professional service and possess a wide range of knowledge and skills in staff recruitment. It is recommended that rigorous checks be conducted on any recruitment consultants before they are appointed to ensure they have the necessary skills and experience (local government recruitment experience would be beneficial) to effectively assist the council in its selection of a CEO.

An early decision needs to be made by council on whether it will handle the recruitment in-house or appoint a consultant to coordinate the appointment process. If a recruitment consultant is chosen, council should provide the consultant with a copy of these guidelines as part of the appointment process.

A recruitment consultant may be involved in the following aspects of the selection process:

- development or review of the position description;
- development of selection criteria;
- drafting of the advertisement;
- preliminary assessment of the applications;
- final shortlisting;
- drafting of the questions for interview;
- coordinating interviews; and
- finalising the contract.

If a decision is made to outsource the recruitment process it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with the consultant. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process.

4. Reviewing Necessary Documentation

There are two very important documents that need to be reviewed and approved by council prior to advertising the position. These are the Position Description Form and the Contract of Employment.

Given the importance of the position of CEO, a police clearance should also be sought.

Position Description Form

The Position Description Form, particularly the selection criteria and performance criteria (where it is included in the Position Description Form) should be reviewed prior to advertising. The council, a committee of council or the consultant (if one is used) should undertake this task.

Council needs to determine what they want their CEO to do and whether the selection criteria will facilitate the appointment of a person with the appropriate set of skills.

For example, it may be very important that a CEO work with diverse elements of the community such as developers, mine operators, Indigenous communities or other specific interest groups. Therefore, a selection criterion might be "Proven ability to work and negotiate with diverse groups in the community". If such criteria is not included an assessment of the applicants' abilities in this area may be overlooked. This is why councils must ensure when commencing the task of appointing a new CEO that the skills and qualities required are well understood and documented.

Selection criteria are generally classified as 'essential' or 'desirable'. Applicants who are able to satisfy all the essential criteria should be considered for interview.

If an application does not fully address the essential selection criteria the applicant should not be considered for interview.

However, on occasions an application may be received where the applicant has the skills and experience which indicate a capacity to satisfy the essential selection criteria even though it is not clearly elaborated in their address of the selection criteria in their application. In these circumstances the application may warrant further consideration.

Desirable criteria are not an essential requirement of the position. They are normally identified to attract applicants who may have a wider range of skills and experience which an employer would consider desirable.

Council may decide that it would be more appropriate to attract applicants with a wider range of knowledge, experience and management skills than just local government. If this is the case the selection criteria should accommodate this.

Performance Criteria

Performance criteria are quantitative and/or qualitative measures of performance. There are two broad categories of performance criteria; those that have general application and apply at all times and specific criteria that apply for a limited period of time. An example of the first type would be, "Advice to council is relevant, accurate and timely." An example of the second type of performance criteria would be, "Calling of tenders for the new

recreation centre is undertaken on time and in compliance with the law." It is obvious that the first is always going to be required, whereas the second is specific to the project of the new recreation centre.

Council may set ongoing permanent performance criteria that will be included in the contract. The successful applicant needs to be informed that performance criteria relevant to a specific project/s will also be subject to annual negotiation. These will be assessed at least once during each year.

In setting performance criteria, council will need to determine what it is they want their CEO to do over and above legislative requirements. Councils need to be realistic in terms of their expectations and provide appropriate resources to facilitate achievement of performance criteria.

The performance criteria must be consistent with the position description and the selection criteria.

It is not essential that performance criteria relating to a specific project/s are identified prior to the appointment but, if not, they must be identified very soon after so that the new CEO is aware of what is required of him or her in the coming year or years.

Contract of Employment

The council should review and amend, where necessary, the existing terms and conditions of the CEO contract before proceeding to advertise the position.

It is also recommended that council obtains advice on the contract where alterations or amendments are proposed and there is any (even slight) doubt as to the meaning of those alterations or amendments.

It should be noted that section 5.39(3) of the Act provides that an employment contract is of no effect unless it contains:

- an expiry date; and
- performance criteria for the purpose of reviewing the person's performance.

Regulation 18B of the *Local Government (Administration) Regulations 1996* also requires that the contract contains a provision that places a limit on the maximum amount of remuneration that can be paid to a person should the contract be terminated prior to its expiry date.

Amendments to Regulation 19A of the *Local Government (Administration) Regulations 1996* now sets that limit to a maximum of one year salary termination payment or the value of the remuneration for the balance of the period of contract that is left to run, whichever is the lessor of the two amounts.

To further assist local governments, model contracts have been developed by both the Western Australian Local Government Association (WALGA) and Local Government Managers Australia WA Division (LGMA).

CEO Remuneration

Amendments to section 5.39(7) of the Act now provide for a CEO's remuneration to be determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975*.

5. Advertising the Vacancy

Ideally, the position should be advertised as widely as possible to attract the best possible field of candidates. The minimum requirement for advertising under *Local Government (Administration) Regulation 18A(1)* is for the position to be advertised in a newspaper circulating generally throughout the State.

Regulation 18A(2) prescribes the minimum requirements to be included in an advertisement for the position of CEO. Those requirements are:

- the details of the remuneration and benefits offered;
- details of the place where applications for the position are to be submitted;
- the date and time for the closing of applications for the position;
- the duration of the proposed contract; and
- contact details for a person who can provide further information about the position.

In addition to the above, a local government is to include any other information in the advertisement which it believes is relevant.

The content and context of advertisements should be carefully considered.

An attractive and well-constructed advertisement is more likely to attract the interest of potential candidates.

A comprehensive application kit comprising documentation relevant to the vacant position should be developed and provided to potential applicants on request. Reference to, and instructions on how to access the kit should be included in the advertisement.

Allow sufficient time within the advertisement for potential applicants to prepare and forward applications.

It is recommended that the position be open for a minimum of two weeks with a definite date and time after which applications will not be considered.

6. Confidentiality

From the beginning to the conclusion of the process, absolute confidentiality must be maintained by every person involved in the selection process. This cannot be emphasised enough as any information which finds its way into the public domain before a recommendation is made to council may well compromise the selection process.

Council should consider the use of a confidentiality agreement which requires all persons involved in the selection process to agree to appropriate levels of confidentiality.

7. Selection and Appointment Process

The selection and appointment process to be applied to a CEO position must be approved by council prior to advertising as prescribed under *Local Government (Administration) Regulation 18C*.

A check list is provided at Attachment 1 in this guideline to assist local governments with following an appropriate sequence in the selection and appointment process.

Extensive consideration should be given to the overall process, especially the shortlisting, as to whether preliminary interviews will be conducted and whether final interviews will be with full council.

Council must be very clear about the methods, techniques and questions used during the selection process.

It is essential that the council manages the process professionally and that members involved in the process have a thorough understanding of their roles and responsibilities.

Council may decide to establish a committee or panel to coordinate the preliminaries of the selection process. This committee or panel should liaise with the employment consultant if one is appointed.

If council establishes a formal committee (in accordance with the Act), then it can delegate its powers and duties to that committee.

It should be noted that, unlike council committees established under the Act, any selection panel that is appointed cannot be delegated any powers or duties by council, nor can the Mayor or President be delegated any power to make decisions on behalf of council, i.e. approve the conditions of the contract.

The respective roles of a consultant, council committee/panel, full council and individual elected members must be clear.

Applicants should be shortlisted according to their capacity to address the relevant selection criteria. Where there is a large pool of applicants, the most competitive should be shortlisted for interview. It is the responsibility of the selection panel/committee to determine how many applicants it will interview. Their assessment must involve detailed consideration of the applications and may involve a preliminary interview. The selection panel/committee should be provided with the full list of applicants,

not just those recommended for short listing and interviews.

Elected members may act as referees for applicants. This most often occurs when a person already employed by the local government applies for the CEO position. When this occurs it is recommended that the member provide a written referee report prior to interview (assuming the applicant is granted an interview).

Elected members should declare any previous association with a potential applicant at the time of shortlisting if they are part of the selection panel/committee established for the purpose. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If a member's relationship with an applicant is significant and may result in claims of nepotism, patronage or bias the member should exclude themselves from the selection process.

Where rating scales and other scoring tools are used to assess the relative performance of applicants, it is important that all elected members and other members involved in the interview understand how these are applied so they produce meaningful results. The selection panel/committee may also consider using psychological or other testing as part of the selection process.

8. Conducting the Interview

The interview process can be challenging for both panel members and applicants.

It is a practice in local government that the full council be involved with the final interview and selection. This is perfectly understandable, as all members of council

have to work closely with this person and trust them.

Often, all elected members feel they need to be involved in the assessment and final selection.

If this does not occur it is desirable that at the very least, all members of council have the opportunity to meet the recommended applicant prior to the appointment being considered by council.

Applicants should be provided with at least five working days notice of the impending interview wherever possible to allow them to adequately prepare. Obviously, if you are a council in regional Western Australia and are expecting an applicant to travel, then sufficient time needs to be allowed. Interviewing over a weekend may be an option.

It is important to provide an environment that puts the interviewee at ease and allows them to perform at the highest possible level. In this regard, consideration should be given to environmental factors such as location and lighting. A well organised process will ensure that everything runs smoothly.

The importance of the chairperson in managing the interview process cannot be overstated. The chairperson is responsible for ensuring that the interview is managed efficiently and effectively.

Ideally, all elected members who are to be in attendance at the final interview should be involved in planning the interview process.

Each applicant must be subject to the same assessment method, i.e. the interview questions or any tests to be undertaken. It is quite acceptable for the panel to ask additional questions to clarify a point or tease out further information during the interview.

It is not necessary for all elected members to have the opportunity to ask a question. Often, it is best to allocate the questions to a small group of elected members (a maximum of 3 is ideal) which ensures consistency of approach.

At the conclusion of the interview it is appropriate to provide the applicant with an opportunity to clarify any issues with the selection panel/committee.

9. Making a Decision

The council should not make a decision to appoint an applicant until all available information has been considered. This includes, but is not limited to, assessment of interview performance, quality of application, referee reports, copies of reports written by the applicant and the results of any psychological or other tests (if used).

The council must be satisfied regarding the claims by the applicant about their relative experience and qualifications.

Local Government (Administration) Regulation 18E makes it an offence for a person to provide false information relating to their academic qualifications.

A police clearance should be sought and considered, given the importance of the position of CEO.

Referee reports are an important part of the process and should be in writing and address the relevant selection criteria for the position.

The council may source a referee who is not one nominated by an applicant, providing they advise the applicant of their intention to do so.

In the event that a referee who was not nominated by the applicant provides a report that contains negative comments, the applicant should be given the opportunity to respond to any such comments.

10. Finalising the Appointment

Eventually, after considering all the information available to it, the selection panel/committee then has to make a decision on which applicant is the most suitable for appointment.

A selection report should be prepared for consideration by council which documents the assessment of each applicant interviewed. The report should identify the most suitable applicant/s and include a recommendation for council to approve an offer of appointment.

Following the decision of council to approve an offer to appoint, with the contract negotiations finalised and the preferred applicant accepting the offer of appointment, council is required to make the formal and final appointment of the CEO.

It is strongly recommended that the successful applicant not commence duties with the local government until the contract is signed.

The unsuccessful applicants (including those not interviewed) should be notified of the decision and offered the opportunity to seek feedback on their application or interview performance if they were granted an interview.

Should an unsuccessful applicant request feedback, it is recommended that the chairperson of the interview panel/

selection committee provide this.
If a recruitment consultant is used
they can undertake this task.

*Local Government (Administration)
Regulation 18F* does not allow a local
government to increase the value of
a CEO's remuneration and benefits in
excess of those advertised when
finalising the appointment.

For further reading it is suggested
reference should be made to:

- sections 5.36, 5.39 and 5.40 of
the *Local Government Act 1995*;
- *Local Government (Administration)
Regulations 1996* 18A, 18B, 18C, 18E,
18F and 19A.
- Salaries and Allowances Tribunal website:
www.sat.wa.gov.au/LocalGovernmentCEOs

Attachment 1

CEO Recruitment and Appointment Check List

Council to (preferably in conjunction with a professional HR adviser);

- ☐ Develop a profile of the preferred applicant (i.e. desired and essential skills, abilities, knowledge and qualifications).

- ☐ Approve an agreed salary package (set a suitable salary package that complies with the determination under section 7A of the *Salaries and Allowances Act 1975*).

- ☐ Review necessary documentation (contract of employment and position description).

NB: The key provisions to be included in the contract are: an expiry date, performance criteria and reference to the limit placed on the remuneration to be paid should the contract be terminated prior to the expiry date.

- ☐ Approve a process to be used for the selection and appointment of the CEO (i.e. stages of the process, who is to be involved and to what extent, whether a consultant is appointed and their role in the process).

NB: It is good practice for council to formally adopt a process to ensure transparency, clarity and a shared understanding. Once adopted, the process should be followed unless found to be flawed, in which case a decision should be made to amend the process as soon as possible.

- ☐ Advertise the position inviting applications from suitably qualified applicants (advertisement to contain information set out in 18A(2) of the *Local Government (Administration) Regulations 1996*).

- ☐ Applicants to be short listed (may be undertaken by consultants, selection panel/ committee or council).

NB: It is noted that in most cases this is done by the consultants or the selection panel/committee in conjunction with the consultants.

- ☐ Conduct interviews of the short listed applicants (may be undertaken by consultants, selection panel/ committee or council).

NB: This may be done prior to the final decision to appoint if availability of preferred applicant is limited due to travel arrangements etc. If not interviewed by the entire council it is recommended that all elected members meet with the preferred applicant prior to final appointment.

- ☐ Select preferred applicant/s (make recommendation for council to offer the position to the 1st preferred applicant subject to contractual negotiations, within the designated salary package, including the preliminary performance criteria to be contained in the contract).

NB: If 1st preferred applicant is not accepted or declines the offer, a decision may be made on any 2nd or 3rd preferred applicant in line until an offer and acceptance is reached or until no preferred applicants are appointed (applicants identity may remain confidential until such time a final appointment is made).

- ☐ Approve the formal and final appointment (must be decision by council that it:
 - (i) believes the person is suitably qualified for the position of CEO; and
 - (ii) is satisfied with the provisions of the proposed CEO employment contract).

NB: Absolute majority decision required for (ii).

NB: All legislative references are from the *Local Government Act 1995* and associated regulations.

These guidelines are also available on the Department's website at www.dlgc.wa.gov.au



About the Guideline series

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Department officer knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

For more information about this and other guidelines, contact the Local Government Regulation and Support Branch at:

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