

# SHIRE OF CUBALLING

*A progressive, diverse and caring community,  
with access to modern services and infrastructure,  
in a unique part of the world*

## MINUTES

of the

### Special Meeting of Council

to conduct the election of Councillors to the Positions of Shire  
President, Deputy Shire President and to appoint Councillors to  
committees

held at

**MONDAY 21<sup>st</sup> October 2019**

Shire of Cuballing  
Council Chambers  
Campbell Street, Cuballing

## **COUNCIL MEETING PROCEDURES**

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting at “Public Question Time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Presiding Member announces Public Question Time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the town.

## **DISCLAIMER**

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## **1 DECLARATION OF OPENING:**

The Chief Executive Officer, Mr Gary Sherry, declared the meeting open at 5:12pm.

## **2 ELECTION OF PRESIDENT AND DEPUTY PRESIDENT:**

### **2.1.1 Election of President**

File Ref. No: ADM 63, ADM 65, ADM 66, ADM 67  
Author: Gary Sherry  
Disclosure of Interest: Nil  
Date: 19<sup>th</sup> October 2019

#### **Summary**

**It is necessary for Council to elect a Shire President.**

#### **Comment**

In accordance with Schedule 2.3 of the Local Government Act 1995, written nominations for the office of Presiding Member for the next two years are to be addressed to the Chief Executive Officer.

Nomination forms are enclosed with Councillors Agenda Package for the purpose. If a Councillor is nominated by another Councillor, the nominee must advise the Chief Executive Officer orally or in writing that he/she is willing to be nominated for the office.

Should there be two or more nominees, a secret ballot will be conducted to determine the holder of the office.

Upon election the President is required to make a Declaration

#### **Statutory Environment**

#### **Local Government Act 1995**

#### **2.11. Alternative methods of filling office of mayor or president**

- (1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —
  - (a) elected by electors of the district under Part 4; or
  - (b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.

#### **Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council**

#### **Division 1 — Mayors and presidents**

1. Terms used in this Division

In this Division —

“extraordinary vacancy” means a vacancy that occurs under section 2.34(1);

“the office” means the office of councillor mayor or president.

2. When the council elects the mayor or president
  - (1) The office is to be filled as the first matter dealt with —
    - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
    - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
  - (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.
3. CEO to preside  
The CEO is to preside at the meeting until the office is filled.
4. How the 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.
5. Votes may be cast a second time
  - (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
  - (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
  - (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
  - (4) The votes cast under subclause (3) 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.

**The Chief Executive Officer advised that no nominations for the position of Shire President had been received prior to the Council Meeting. The Chief Executive Officer asked for nominations from the meeting:**

- **Cr Conley was nominated by Cr Ballantyne. Cr Conley accepted this nomination.**

**No further nominations for received.**

**With no further nominations the Chief Executive Officer declared that Cr Conley was elected to the position of Shire President.**

**Cr Conley made the Declaration of Office of Shire President.**

## 2.1.2 Election of Shire Deputy President

File Ref. No: ADM 63, ADM 65, ADM 66, ADM 67  
Author: Gary Sherry  
Disclosure of Interest: Nil  
Date: 19<sup>th</sup> October 2019

### Summary

**It is necessary for Council to elect a Deputy Shire President.**

### Comment

In accordance with Schedule 2.3 of the Local Government Act 1995, written nominations for the office of Deputy President for the next two years are to be addressed to the Chief Executive Officer. Nomination forms are enclosed with Councillors Agenda Package for the purpose. If a Councillor is nominated by another Councillor, the nominee must advise the Chief Executive Officer orally or in writing that he/she is willing to be nominated for the office.

Should there be two or more nominees, a secret ballot will be conducted to determine the holder of the office.

Upon election the Deputy President is required to make a Declaration

### Statutory Environment

Local Government Act 1995

#### **2.15. Filling the office of deputy mayor or deputy president**

The deputy mayor or deputy president is to be elected by the council under Schedule 2.3, Division 2.

[Section 2.15 amended by No. 49 of 2004 s. 18.]

#### **Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15]**

Division 2 — Deputy mayors and deputy presidents

#### 6. Terms used in this Division

In this Division —

“extraordinary vacancy” means a vacancy that occurs under section 2.34(1);

“the office” means the office of deputy mayor or deputy president.

#### 7. When the council elects the deputy mayor or deputy president

(1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —

(a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.

- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —
    - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
    - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
  - (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.
8. How the 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.
9. Votes may be cast a second time
- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
  - (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
  - (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
  - (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

**The Chief Executive Officer advised that no nominations for the position of Deputy Shire President had been received prior to the Council Meeting. The Chief Executive Officer asked for nominations from the meeting:**

- **Cr Dowling was nominated by Cr Bradford. Cr Dowling accepted this nomination.**

**No further nominations for received.**

**With no further nominations the Chief Executive Officer declared that Cr Dowling was elected to the position of Deputy Shire President.**

**Cr Dowling made the Declaration of Office of Deputy Shire President.**

**The Shire President, Cr Conley, took the chair of the meeting.**

**Mr Brandner JP left the meeting at 5:19pm**

### 2.1.3 Allotment of Councillors Seats

File Ref. No: ADM 63, ADM 65, ADM 66, ADM 67  
Author: Gary Sherry  
Disclosure of Interest: Nil  
Date: 19<sup>th</sup> October 2019

#### Summary

**Council is to allocate seats at the Council table for Councillors.**

#### Comment

Council's Standing Orders Local Law requires that the Chief Executive Officer allocate a position at the Council table at the first ordinary meeting after an election.

The only Councillor not to be allocated a seat at the table is the Shire President who will sit at the head of the Council.

#### Statutory Environment

Shire of Cuballing -Standing Orders Local Law

#### 8.2 Members to Occupy Own Seats

At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions.

**The Chief Executive Officer allotted seats by random draw at the Council Table for Councillors.**

## **3 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:**

### 3.1.1 Attendance

Cr Mark Conley	President
Cr Eliza Dowling	Deputy President
Cr Scott Ballantyne	
Cr Dawson Bradford	
Cr Robert Harris	
Cr Deb Hopper	



Mr Gary Sherry  
Ms Bronwyn Dew

Chief Executive Officer  
Deputy Chief Executive Officer

Mr Jurgen Brandner JP  
Mr Barry Wood

3.1.2 Apologies

Nil

3.1.3 Leave of Absence

Nil

**4 STANDING ORDERS:**

**COUNCIL DECISION – 2019/119 :**

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

Moved: Cr Ballantyne

Seconded: Cr Dowling

Carried 6/6

**5 PUBLIC QUESTION TIME:**

**5.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:**

Nil

**5.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:**

Nil

**5.3 PUBLIC QUESTIONS FROM THE GALLERY:**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

## 7 CONFIRMATION OF MINUTES:

Nil. Unconfirmed minutes will be confirmed at the next Ordinary Meeting of Council.

## 8 PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS:

Nil

## 9 DISCLOSURE OF FINANCIAL INTEREST:

Nil

## 10 REPORTS OF OFFICERS AND COMMITTEES:

### 10.1 CHIEF EXECUTIVE OFFICER:

#### 10.1.1 Appointment to Committees and of Delegates

File Ref. No: ADM 63, ADM 65, ADM 66, ADM 67  
Author: Gary Sherry  
Disclosure of Interest: Nil  
Date: 19<sup>th</sup> October 2019

#### Summary

**Council is to consider appointments to Committees of Council and Council delegate to organisations and Committees to which Council has membership or representation.**

#### Background

At the Ordinary Meeting of Council held on Thursday 23<sup>rd</sup> October 2017, Council appointed the following delegates to committees:

<b>Committee/Service</b>	<b>Delegate</b>	<b>Proxy</b>
Audit Committee	All Councillors	N/A
Bush Fire Advisory Committee	Cr Haslam	Cr Newman
Dryandra Regional Equestrian Park Management Committee	Cr Haslam	Cr Newman
Dryandra Voluntary Regional Organisation of Councils (DVROC)	Cr Conley	Cr Dowling
Education (School Awards, etc)	Cr Bradford	Cr Dowling
Cuballing Wickopin Local Emergency Management Committee	Cr Conley	Cr Ballantyne, CEO
Popanyinning Progress Association	Cr Haslam	Cr Bradford
Wheatbelt South Regional Road Group	Cr Ballantyne	Cr Newman
Great Southern Regional Waste Alliance	Cr Conley	Cr Dowling
Dryandra Country Visitors Centre	Cr Bradford	Cr Dowling, Deputy CEO
Central Country Zone of WALGA	Cr Conley, Cr Dowling	CEO

<b>Committee/Service</b>	<b>Delegate</b>	<b>Proxy</b>
Development Assessment Panel	Cr Conley, Cr Bradford	Cr Ballantyne, Cr Newman
Plant Management Review Group	Cr Newman, Cr Bradford	Cr Haslam
Wheatbelt South Aged Housing Alliance	Cr Dowling	Cr Conley
Audit Committee	All Councillors	N/A
Bush Fire Advisory Committee	Cr Haslam	Cr Newman

### Comment

A review of some of the committees and delegates that Council participates in may be appropriate.

<b>Committee/Service</b>	<b>Comment</b>
Audit Committee	<p>In the past all Councillors have been members of this committee. Council can continue this or select only a portion of the Council. Council can also appoint delegates with valuable or worthwhile skills to the committee from outside Council.</p> <p>This Committee meets irregularly and nearly always prior to Council Meetings.</p>
Cemeteries Advisory Committee	<p>This new committee will be established to make recommendations to Council on matters relating to the Popanyinning Cemetery, the Cuballing Cemetery, lonely and heritage graves, niche facilities, the Shire of Cuballing Cemeteries Local Law 1998 generally, including but not limited to;</p> <ul style="list-style-type: none"> <li>• Fees and charges;</li> <li>• Maintenance quality, practices and procedures;</li> <li>• Infrastructure requirements;</li> <li>• Design elements;</li> <li>• Relevant and required Policies;</li> <li>• Availability of supply and;</li> <li>• Trends in cemetery management and community expectations and needs</li> </ul> <p>This Committee has one Council delegate and 6 delegates appointed by Council.</p> <p>The Committee has not yet met and will decide their own meeting schedule.</p>
Bush Fire Advisory Committee	<p>Council can appoint any people it believes appropriate to this committee under the Bush Fires Act. It is appropriate to have a Councillor appointed as a delegate to this committee.</p> <p>This committee meets twice a year, in evenings in April and September.</p>
Dryandra Regional Equestrian Park Management Committee	<p>Committee with representation from Council, Dryandra Regional Equestrian Assoc. and Dryandra Pony Club. Meet irregularly to discuss management of Dryandra Regional Equestrian Centre.</p> <p>This committee meets irregularly.</p>

<b>Committee/Service</b>	<b>Comment</b>
Dryandra Voluntary Regional Organisation of Councils (DVROC)	This Committee has not met in the last two years. The Committee's purpose was to allocate Royalties for Regions regional funding allocations. Suggest maintain a delegate a proxy in case further meetings are required.
Education (School Awards, etc)	Council Delegate is anticipated to attend school events to present awards.  This delegate will be invited to attend events at local schools, particularly presentation nights in October and November.
Cuballing Wickepin Local Emergency Management Committee	Continue with Delegate and Proxy. It may be in the interests of the Proxy to attend a meeting to observe this Committee for at least some meetings.  This committee meets twice a year, in afternoons in April and September.
Popanyinning Progress Association	No formal membership of this committee is required and there is no formal role for the delegate. While Councillors may choose to nominate and be appointed, other Councillors with interests in Popanyinning may still attend meetings.  This Committee meets at 6.30pm on the last Wednesday of each month other than December and January.
Wheatbelt South Regional Road Group	Continue with Delegate and Proxy. It may be in the interests of the Proxy to attend a meeting to observe this Committee.  This Committee meets several times a year, normally on mornings in Wickepin. The Delegate may also attend subgroup meetings in Williams.
Great Southern Regional Waste Alliance	Continue with Delegate and proxy. It may be in the interests of the Proxy to attend a meeting to observe this Committee.  This Committee meets several times a year, often in Cuballing.
Dryandra Visitors Committee	Committee with representation from tourism industry manage the Dryandra Country Visitors Centre in Narrogin. By providing funding, Council is permitted to participate in the committee.  The Committee meets in the late afternoon, on the 3 <sup>rd</sup> Tuesday of the month in Narrogin.
Central Country Zone of WALGA	Council is entitled to two delegates. It is suggested that the CEO be at least one of the proxy delegates to permit the CEO to attend and vote in absence of Councillor,  This Committee meets 7 times a year, with two teleconferences and 5 meetings in locations around the district. Meetings take up six hours with travel.
Development Assessment Panel	Council can nominate 2 delegates and 2 Deputy Delegates to this panel to sit on DAP reviews of large planning applications in the Shire of Cuballing. Council's nominees may be appointed by the Minister and are required to complete training.  The Shire of Cuballing has not had to ever convene a DAP.

Committee/Service	Comment
Plant Management Review Group	<p>This is an informal group of 2 elected members, CEO and MWS who meet to discuss Council plant management. Matters discussed at this meetings are decided by full Council.</p> <p>This group meets for about twice each year, normally early in the morning. Meetings last for about an hour.</p>
Wheatbelt South Aged Housing Alliance	<p>This group has worked to obtain aged housing in this region. Council should appoint a delegate and a proxy delegate.</p> <p>The committee meet several times a year, in afternoons in Wickepin.</p>
Cuballing Volunteer Action Group	<p>No formal membership of this committee is required and there is no formal role for the delegate. While Councillors may choose to nominate and be appointed, other Councillors with interests in Popanyinning may still attend meetings.</p> <p>This Committee meets at 6.30pm on the second Wednesday of each month other than December and January.</p>

## Statutory Environment

### Local Government Act (1995)

#### 5.10. Appointment of committee members

- (1) A committee is to have as its members -
- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* *Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish -
- (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

#### 5.11. Tenure of committee membership

- (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;
  - (b) the person resigns from membership of the committee;
  - (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;
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,whichever happens first.

Policy Implications – Nil

Financial Implications

Council has delegates to several committees that have significant influence over annual funding allocations to Council.

Economic Implication – Nil

Social Implication

Council has delegates and representatives on several community groups.

Environmental Considerations – Nil

Consultation – Nil

Options

Council can resolve an allocation of elected members to the various committees.

Voting Requirement – Absolute Majority

**COUNCIL DECISION – 2019/120 :**

That That Council appoint the following as members of Committees of Council and as delegates of Council to the respective committee or organisation as included in the following table:

No	Committee/Service	Delegate	Proxy
1	Audit Committee	All Councillors	N/A
2	Cemeteries Advisory Committee	Cr Dowling	Cr Hopper
3	Bush Fire Advisory Committee	Cr Harris	Cr Bradford
4	Dryandra Regional Equestrian Park Management Committee	Cr Conley	Cr Ballantyne
5	Dryandra Voluntary Regional Organisation of Councils (DVROC)	Cr Conley	Cr Dowling
6	Education (School Awards, etc)	Cr Hopper	Cr Bradford
7	Cuballing Wickopin Local Emergency Management Committee	Cr Conley	Cr Ballantyne CEO
8	Popanyinning Progress Association	Cr Hopper	Cr Dowling
9	Wheatbelt South Regional Road Group	Cr Ballantyne	Cr Harris
10	Great Southern Regional Waste Alliance	Cr Conley	Cr Hopper
11	Dryandra Country Visitors Centre	Cr Bradford	Cr Ballantyne Deputy CEO
12	Central Country Zone of WALGA	Cr Conley Cr Dowling	Cr Hopper CEO
13	Development Assessment Panel	Cr Conley Cr Dowling	Cr Ballantyne Cr Bradford
14	Plant Management Review Group	Cr Bradford Cr Harris	
15	Wheatbelt South Aged Housing Alliance	Cr Dowling	Cr Conley
16	Cuballing Volunteer Action Group	Cr Ballantyne	Cr Harris
Moved: Cr Bradford		Seconded: Cr Dowling	Carried 6/6

**11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**

Nil

**12 URGENT BUSINESS WITHOUT NOTICE (WITH THE APPROVAL OF THE PRESIDENT OR MEETING):**

Nil

**13      CONFIDENTIAL ITEMS:**

Nil

**14      CLOSURE OF MEETING:**

There being no further business, the Shire President, Cr Conley, closed the meeting at 5:38pm.