



**Shire of Derby /
West Kimberley**

MINUTES

Special Council Meeting Thursday, 20 June 2019

Date: Thursday, 20 June 2019

Time: 4.45pm

**Location: Council Chambers
Clarendon Street
Derby**



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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY
ON THURSDAY, 20 JUNE 2019 AT 4.45PM**

PRESENT: Cr Geoff Haerewa (Shire President), Cr Paul White (Deputy Shire President), Cr Peter Coggins, Cr Chris Kloss, , Cr Iris Prouse, Cr Andrew Twaddle

IN ATTENDANCE: Cr Peter McCumstie

VISITORS: Nil

GALLERY: Nil

APOLOGIES: Nil

APPROVED LEAVE OF ABSENCE: Nil

ABSENT: Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 4.45pm by Shire President, Cr Geoff Haerewa.

2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

3 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

3.1 Declaration of Financial Interests

Nil

3.2 Declaration of Proximity Interests

Nil

3.3 Declaration of Impartiality Interests

Nil

4 PUBLIC TIME

4.1 Public Question Time

Nil

4.2 Public Statements

Nil

5 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

REPORTS

6 EXECUTIVE SERVICES

6.1 APPROVAL FOR REMOTE ATTENDANCE

File Number: 4150

Author: Danielle Hurstfield, Manager Administration and Governance

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

Council is required to approve a Councillors attendance via telephone or other means of instantaneous communications if a Councillor is not physically present at a meeting.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

In accordance with regulation 14A of the *Local Government (Administration) Regulations 1996*, Council must approve, by absolute majority, the attendance of a person

To approve Shire President Geoff Haerewa and Cr Peter McCumstie's attendance at the Ordinary Council Meeting held 27 June 2019 via telephone communication.

LEGISLATIVE IMPLICATIONS

14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —
 - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
 - (b) the person is in a suitable place; and
 - (c) the council has approved* of the arrangement.
- (2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.
- (3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.
- (4) In this regulation —

disability has the meaning given in the *Disability Services Act 1993* section 3;

suitable place —

 - (a) in relation to a person with a disability — means a place that the council has approved* as a suitable place for the purpose of this paragraph; and

- (b) in relation to any other person — means a place that the council has approved* as a suitable place for the purpose of this paragraph and that is located —
- (i) in a townsite or other residential area; and
 - (ii) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;

townsite has the same meaning given to that term in the *Land Administration Act 1997* section 3(1).

* Absolute majority required.

[Regulation 14A inserted: Gazette 31 Mar 2005 p. 1031; amended: Gazette 4 Mar 2016 p. 649-50.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Goal 4: Good governance and an effective organisation	4.1 Effective governance and leadership	4.1.4 Ensure governance policies and procedures are in accordance with legislative requirements.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: Compliance	Unlikely	Minor	Low	Council approve attendance via telephone or instantaneous communications.

CONSULTATION

Internal consultation has been undertaken with relevant areas.

COMMENT

Councillors have advised that prior commitments may result in a quorum for the June 2019 Ordinary Council Meeting not being achieved. On this basis this item approval for Shire President Geoff Haerewa and Cr Peter McCumstie's attendance via telephone or instantaneous communications prior to the meeting being opened.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RESOLUTION 50/19**Moved: Cr Andrew Twaddle****Seconded: Cr Paul White****That Council, BY AN ABSOLUTE MAJORITY:**

- 1. APPROVES Cr Geoff Haerewa and Cr Peter McCumstie attendance at the Council Meeting held 27 June 2019 via telephone or instantaneous communications in accordance with regulation 14A(1) of the *Local Government (administration) Regulations 1996*;**
- 2. APPROVES Kimberley Development Commission, 7 Ebony Street, Kununurra and Perth, Western Australia, as a suitable place for Councillor attendance in accordance with regulation 14A(4) of the *Local Government (Administration) Regulations 1996*.**

In Favour: Crs Geoff Haerewa, Paul White, Peter Coggins, Chris Kloss, Iris Prouse and Andrew Twaddle

Against: Nil

CARRIED 6/0 BY ABSOLUTE MAJORITY

7 NEW BUSINESS OF AN URGENT NATURE

8 CLOSURE

8.1 Date of Next Meeting

The next ordinary meeting of Council will be held Thursday, 27 June 2019 in the Library, Fitzroy Crossing.

8.2 Closure of Meeting

The Presiding Member closed the meeting at 4.51pm.

These minutes were confirmed at a meeting on

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Signed:

Presiding Person at the meeting at which these minutes were confirmed.

Date: