

Heart of the Stirlings



SHIRE OF GNOWANGERUP
BORDEN GNOWANGERUP ONGERUP

MINUTES

SPECIAL MEETING OF COUNCIL

10 May 2024

Commencing at 1:00pm

Council Chambers

Yougenup Road, Gnowangerup WA 6335

COUNCIL'S VISION



Shire of Gnowangerup

NOTICE OF A SPECIAL MEETING OF COUNCIL

Dear Council Member

A Special Council Meeting of the Shire of Gnowangerup will be held on Friday 10 May 2024, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 1pm.

Signed: 

Chiara Galbraith
ACTING CHIEF EXECUTIVE OFFICER

Meaning of and CAUTION concerning Council's "In Principle" support:

When Council uses this expression it means that:

*(a) Council is generally in favour of the proposal BUT is not yet willing to give its consent; and
(b) Importantly, Council reserves the right to (and may well) either decide against the proposal or to formally support it but with restrictive conditions or modifications.*

Therefore, whilst you can take some comfort from Council's "support" you are clearly at risk if you act upon it before Council makes its actual (and binding) decision and communicates that to you in writing.



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Gnowangerup for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Gnowangerup disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Gnowangerup during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Gnowangerup.

The Shire of Gnowangerup advises that anyone who has any application lodged with the Shire of Gnowangerup shall obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Gnowangerup in respect of the application.

These minutes are not a verbatim record but include the contents pursuant to Regulation 11 of Local Government (Administration) Regulations 1996.

Signed: 

Chiara Galbraith
ACTING CHIEF EXECUTIVE OFFICER



DECLARATION OF INTEREST FORM

To: Chief Executive Officer
Shire of Gnowangerup
28 Yougenup Road
GNOWANGERUP WA 6335

I,(1) _____ wish to declare an interest in the following item to be considered by Council at its meeting to be held on (2) _____

Agenda Item(3) _____

The **type** of Interest I wish to declare is (4).

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to the Code of Conduct for Council Members, Committee Members & Candidates

The **nature** of my interest is (5) _____

The **extent** of my interest is (6) _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

Notes:

1. Insert your name (print).
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 & 5.69 of the Act).

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a) Preside at the part of the Meeting, relating to the matter or;
- b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. **If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION:

- a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- b) includes an interest arising from kinship, friendship or membership of an association.

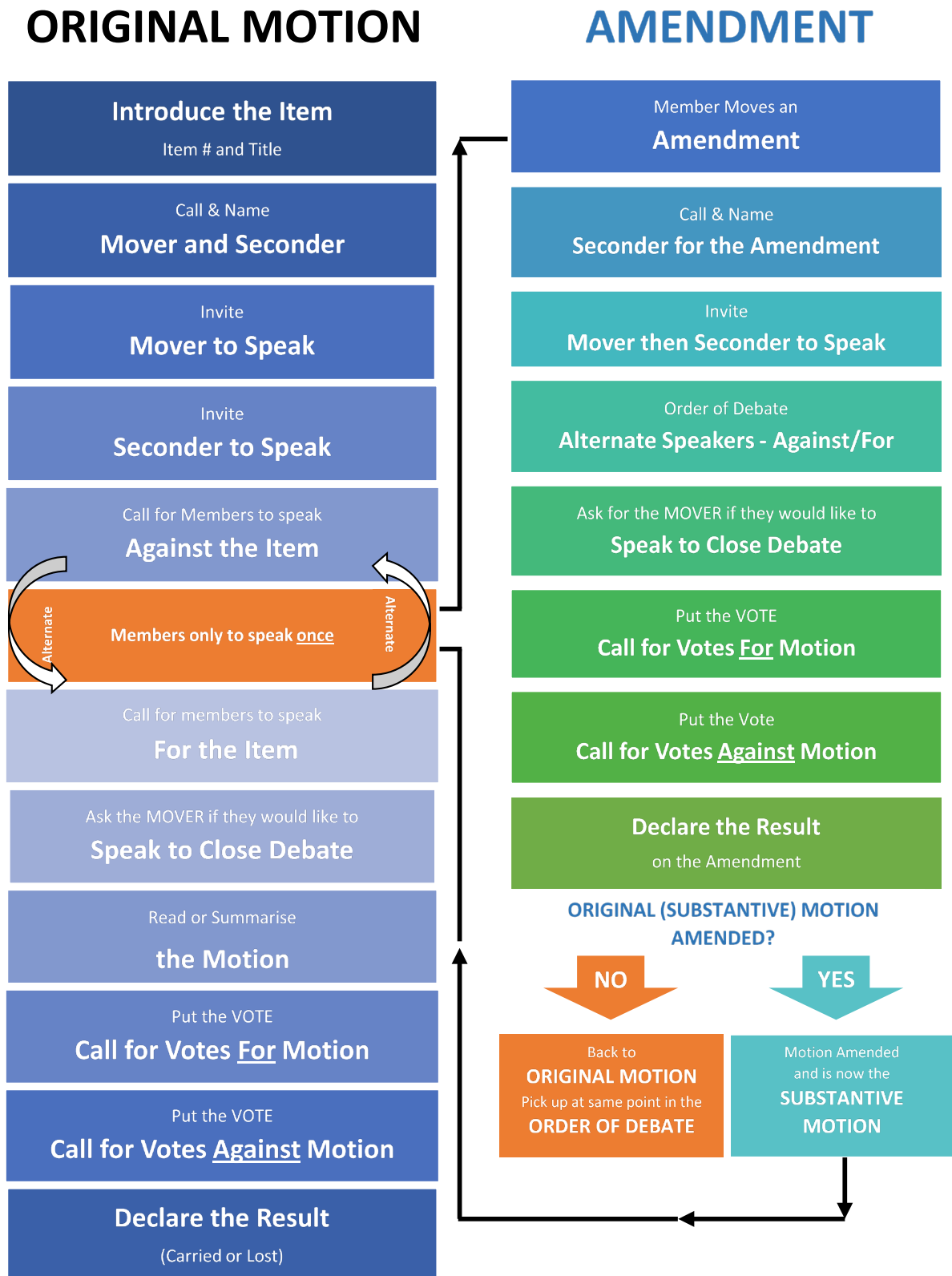
A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting, immediately before the matter is discussed.

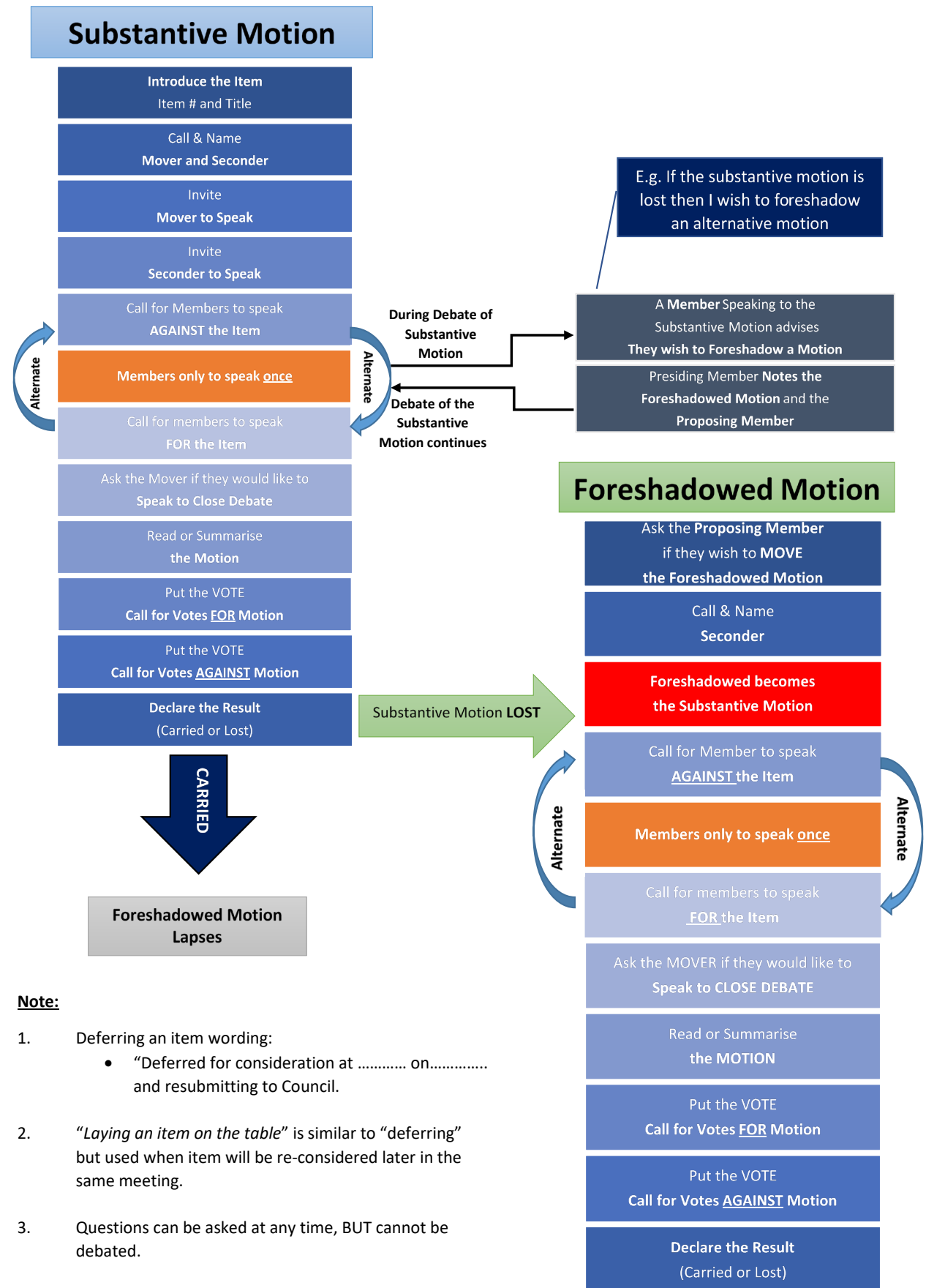
IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

Process of Motions



Slight clarification of wording of motion: A minor amendment of the motion can be done at any time through the President with the approval of the Mover and the Seconder. The Minor amendment must be minuted.



Note:

- Deferring an item wording:
 - “Deferred for consideration at on..... and resubmitting to Council.
- “Laying an item on the table” is similar to “deferring” but used when item will be re-considered later in the same meeting.
- Questions can be asked at any time, BUT cannot be debated.

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OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

Shire President, Kate O’Keeffe welcomed Councillors, staff and visitors present in Chambers and confirmed with Councillors attending via *Microsoft Teams/conference* call as allowed for pursuant to regulation 14C, CA & D of the Local Government (Administration) Regulations 1996, that they could clearly hear and that they could be heard by those present in Chambers and opened the meeting at 1:06pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Shire of Gnowangerup would like to acknowledge the Goreng people who are the Traditional Custodians of this land. The Shire of Gnowangerup would also like to pay respect to the Elders both past and present of the Noongar Nation and extend that respect to other Aboriginals present.

3. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

3.1 ATTENDANCE

Cr Kate O’Keeffe JP	Shire President
Cr Mick Creagh	
Cr Peter Callaghan	
Cr Robert Minitier	
Cr Lex Martin	

The Shire President asked members and staff to confirm that they were connected and in attendance with the following attendees so confirmed and responded as here:

Cr Rebecca Kiddle (*via Teams*)

Chiara Galbraith	Acting Chief Executive Officer
Mike Richardson	Executive Manager Infrastructure and Assets
Sarah Henning	Community Development Officer (minute taker)

3.2 APOLOGIES

Cr Rebecca O’Meehan	Deputy Shire President
Cr Shelley Hmeljak	

David Nicholson	Chief Executive Officer
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3.3 APPROVED LEAVE OF ABSENCE

NIL

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

Nil

7. DECLARATION OF FINANCIAL INTERESTS AND INTERESTS AFFECTING IMPARTIALITY

Nil

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

Nil

8.2 DEPUTATIONS

Nil

8.3 PRESENTATIONS

Nil

9. CONFIRMATION OF PREVIOUS MEETING MINUTES

Nil

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

REPORTS FOR DECISION

11. REPORTS FOR DECISION

11.1 COUNCIL APPROVAL TO CALL FOR TENDERS (MEDICAL SERVICES CONTRACT)

Location:	N/A
Proponent:	N/A
Date of Report:	1 May 2024
Business Unit:	Corporate and Community Services
Responsible Officer:	Chiara Galbraith – Acting Chief Executive Officer
Author:	Chiara Galbraith
Disclosure of Interest:	Nil

ATTACHMENT

Nil

PURPOSE OF THE REPORT

For Council to consider approving a call for tenders for a new Medical Services Contract. It is proposed that the new contract will be for an initial 5-year term, with a 3-year right of renewal.

BACKGROUND

At the 26 July 2023 ordinary meeting, Council resolved as follows:

COUNCIL RESOLUTION

Moved: Cr P Callaghan

Seconded: Cr L Martin

0723.5: That Council:

1. Adopts the delegation of some of its powers to the Audit and Risk Committee, and to the CEO as outlined in the Delegation Register attached to this report which provides a written record of Council's delegations as required by the Local Government Act (1995)
2. Requires the CEO to ensure that any sub delegation to employees is in writing and pursuant to those identified in the Delegation Register adopted in (1).

CARRIED: 7/0

In the adopted Shire of Gnowangerup Delegations Register, s1.2.4 Expressions of Interest and Tenders for Goods and Services, paragraph 2.1 states:

Council delegates its authority and power to the Chief Executive Officer to:

2.1 Call tenders for goods or services with others in respect to supply of goods or services exceeding \$250,000 [F&G r.11(1)] up to max \$600,000.

Therefore, should a tender potentially exceed \$600,000 in total value, Council is required to provide approval to call for tenders.

COMMENTS

Council is requested to provide approval for staff to prepare the tender documents and proceed to call for tenders for the new Medical Services Contract in compliance with the Shire of Gnowangerup Delegations Register.

It is proposed that the tender will be published in May 2024 with a closing date in June 2024.

CONSULTATION

Rural Health West - ongoing

LEGAL AND STATUTORY REQUIREMENTS

Local Government Act 1995 s5.42 and s5.43

POLICY IMPLICATIONS

Shire of Gnowangerup Delegation Register

FINANCIAL IMPLICATIONS

The total value of a new Medical Services Contract has potential to exceed the call for tender's threshold of \$600,000 as stipulated in the Shire of Gnowangerup Delegations Register (s1.2.5 Expressions of Interest and Tenders for Goods and Services, paragraph 2.1).

STRATEGIC IMPLICATIONS

As per Integrated Strategic Plan

Theme	Our Organisation
Community Priority	Access to health services

STRATEGIC RISK MANAGEMENT CONSIDERATIONS

This item has been evaluated against the current Council approved Risk Management Register.

Risk description	Council does not approve the call for tenders.
Primary Strategic Risk Category	Community Disruption
Primary Strategic Risk Category Description	<ul style="list-style-type: none"> • Loss of critical community services • Severe reputational damage • Residents relocate
Consequence: (Insignificant, Minor, Moderate, Major, Catastrophic)	Major
Likelihood: (Almost Certain, Likely, Possible, Unlikely, Rare)	Almost Certain

IMPACT ON CAPACITY

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Calling for tenders for a new Medical Services Contract for a shorter period. Implications include a shorter contract period may cause further disruption within the community if the new provider is not engaged for a reasonable period because this helps build rapport within the community and ensure more valuable continuity of care for all residents.

CONCLUSION

It is recommended that Council supports the request to release the tender for the provision of medical services within the Shire which aligns with the Strategic Community 2021 – 2031.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

Moved: Cr M Creagh

Seconded: Cr P Callaghan

0524.26 That Council:

Approves the proposal to proceed to call for tenders for a new Medical Services Contract (contract term of 5 years, plus 3 years right of renewal), the tender to be published in May 2024 with a closing date in June 2024.

The Shire President put the motion and asked members who were joining via TEAMS to state their vote as either 'For' or 'Against' when their name was called:

CR R Kiddle responded "For" the motion.

ABSOLUTE MAJORITY: 6/0

FOR: Cr Kate O'Keeffe, Cr Mick Creagh, Cr Peter Callaghan, Cr Robert Minitier, Cr Lex Martin, Cr Rebecca Kiddle

AGAINST: NIL

The Shire President checked and confirmed that all attendees joining electronically remained connected and in attendance at the meeting.

REPORTS FOR DECISION

12. REPORT FOR DECISION – CONFIDENTIAL ITEMS

Nil

OTHER BUSINESS AND CLOSING PROCEDURES

13. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL

Nil

14. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15. DATE OF NEXT MEETING

The next Ordinary Council Meeting will be held on the 29 May 2024.

16. CLOSURE

The Shire President thanked Council and staff for their time and declared the meeting closed at 1:11pm.