

*Heart of the Stirlings*



**SHIRE OF GNOWANGERUP**  
BORDEN GNOWANGERUP ONGERUP

## **MINUTES**

### **SPECIAL MEETING OF COUNCIL**

**20 June 2024**

**Commencing at 3:00pm**

**Council Chambers**

**Yougenup Road, Gnowangerup WA 6335**

**COUNCIL'S VISION**

Gnowangerup Shire – A progressive, inclusive and prosperous community built on opportunity

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 Wednesday 13 March 2024, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 3:45pm.

Signed: \_\_\_\_\_



**David Nicholson**  
**CHIEF EXECUTIVE OFFICER**

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**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: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Dan", is written over a horizontal line.

**David Nicholson**  
**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.

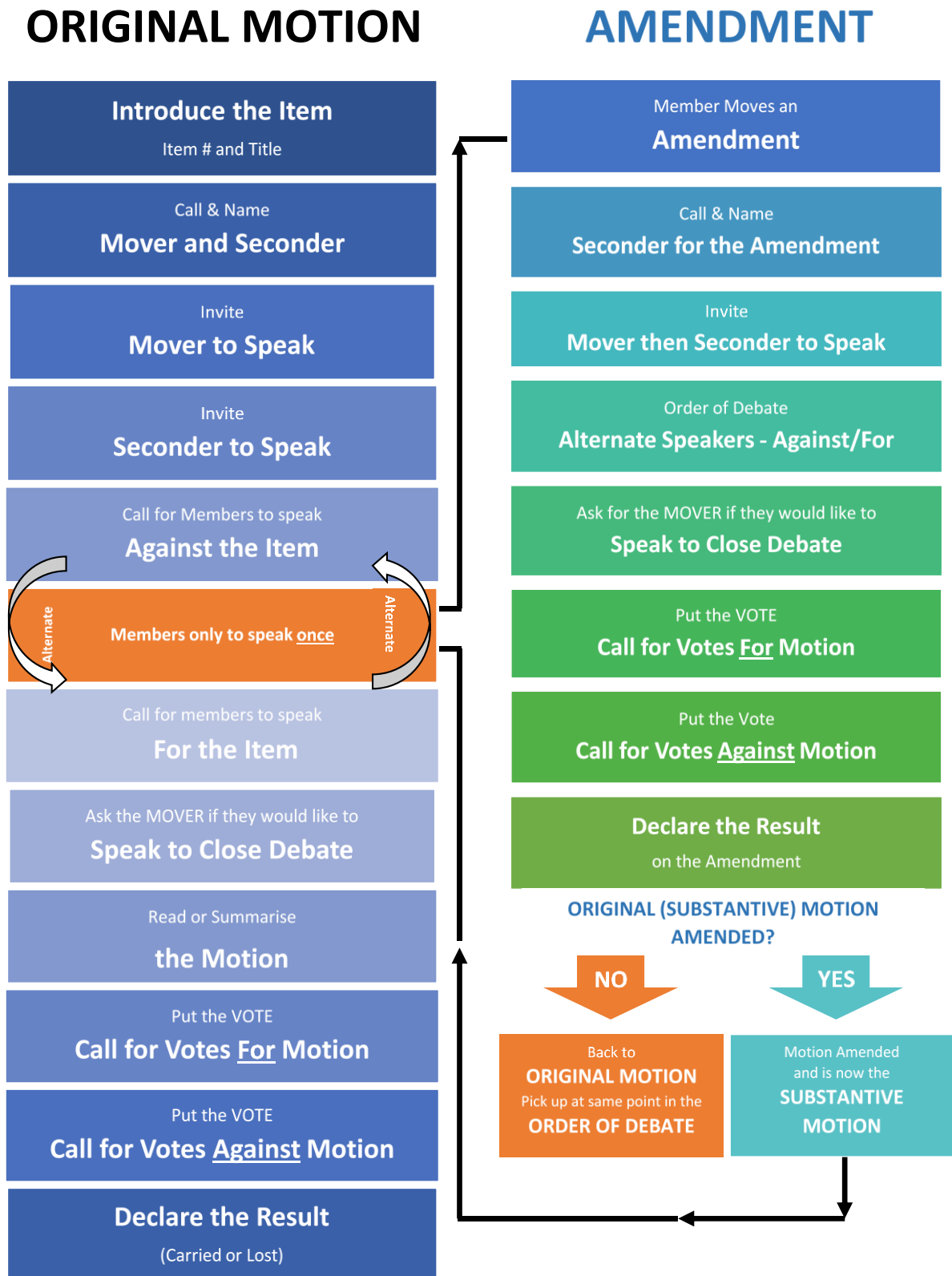
A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (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.

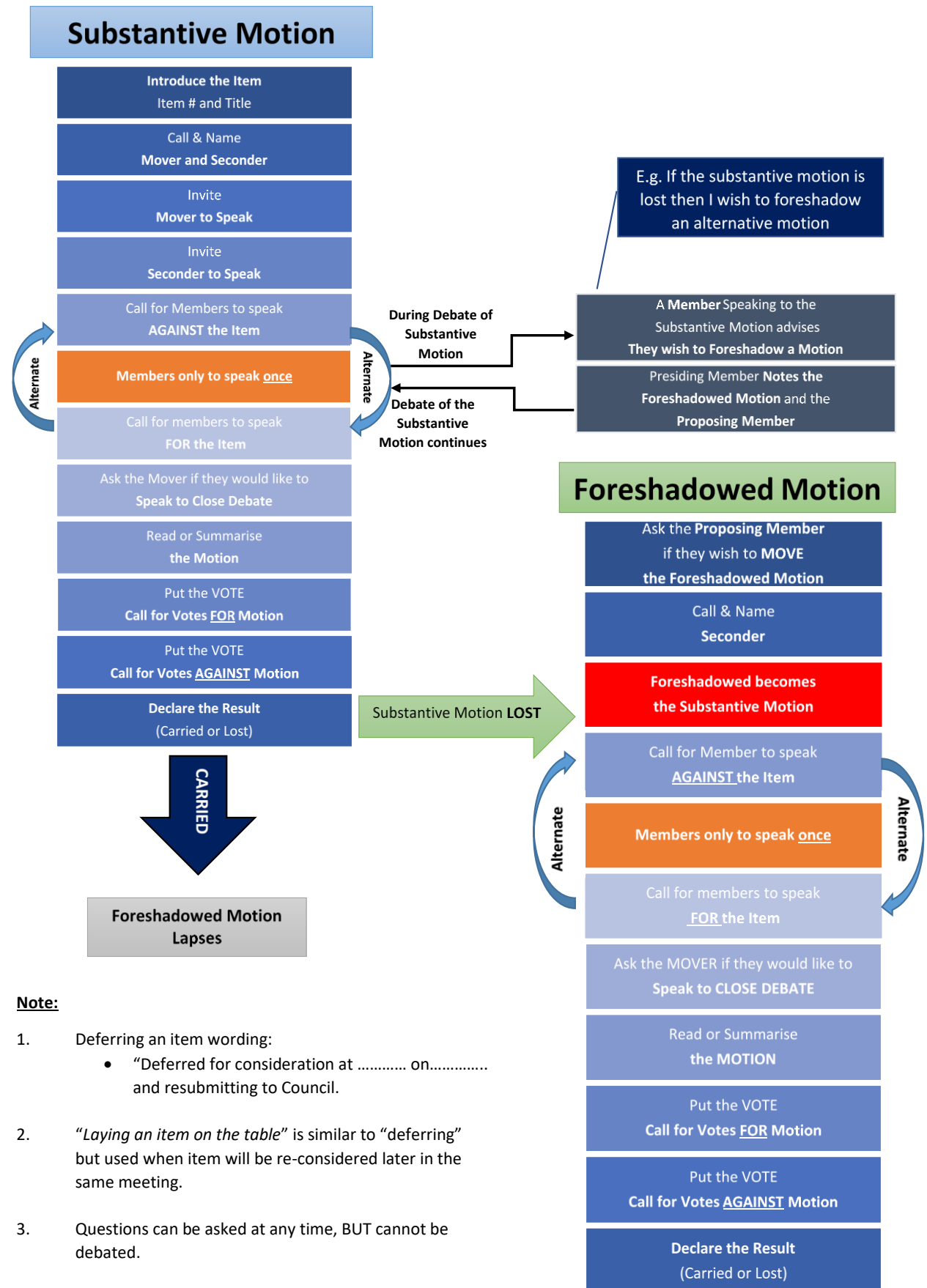


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**OPENING PROCEDURES**

**1. OPENING AND ANNOUNCEMENT OF VISITORS**

Shire President, Kate O’Keeffe welcomed Councillors, visitors and staff and opened the meeting at 3:06 pm.

**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 Rebecca O’Meehan	Deputy Shire President
Cr Rebecca Kiddle	
Cr Shelley Hmeljak	
Cr Mick Creagh	
Cr Peter Callaghan	
Cr Robert Minitier	
Cr Lex Martin	
David Nicholson	Chief Executive Officer
Chiara Galbraith	Deputy Chief Executive Officer
Mike Richardson	Executive Manager of Infrastructure and Waste
Liz Purba	Executive Officer (Minute taker)
Anita Finn	Senior Governance and Risk Management Officer

**3.2 APOLOGIES**

NIL

**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**

Cr S Hmeljak Financial Interest

**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

Cr Hmeljak has a financial interest due to her employment at the local pharmacy, which receives much of its business from the local doctor.

Cr Hmeljak left the room at 3:09pm

**PROCEDURAL MOTION**

**Moved:** Cr O’Meehan

**Seconded:** Cr L Martin

**0624.36 That Council:**

**Closes the meeting to members of the public to discuss item 11.1 as the item is considered confidential pursuant to Section 5.23(2)(c) of the Local Government Act 1995 as a contract will be entered into as a result of item 11.1.**

**UNANIMOUSLY CARRIED: 7/0**

**FOR:** Cr K O’Keeffe, Cr R O’Meehan, Cr R Minitier, Cr M Creagh, Cr P Callaghan, Cr R Kiddle, Cr L Martin

**AGAINST:** NIL

**11.1 COUNCIL ACCEPT THE RECOMMENDATION FOR THE PROVISION OF GENERAL PRACTITIONER SERVICES**

**Location:** N/A  
**Proponent:** N/A  
**Date of Report:** 15<sup>th</sup> June 2024  
**Business Unit:** Corporate and Community Services  
**Responsible Officer:** David Nicholson – Chief Executive Officer  
**Author:** Chiara Galbraith  
**Disclosure of Interest:** Nil

**ATTACHMENT**

Confidential Attachment – Panel Evaluation and Recommendation not for public viewing.

**PURPOSE OF THE REPORT**

To report on the results from public Request for Tender (RFT) and the evaluation of tenders, in accordance with Regulation 18 of the Local Government (Functions and General) Regulations 1996.

## BACKGROUND

### Tender Details

**RFT Number** 2024-4-1

**RFT Title** Provision of General Practitioner Services

**Recommended Tenderer(s)** As per confidential Attachment

**Contract Term Initial:** Five (5) years

**Extension Options:** Three (3) years

**Tendered Rates/Cost:** Provided in Attachment 1 to this report (confidential)

**Advertising:** Wednesday, 15<sup>th</sup> May 2024 The West Australian

**Tender Deadline:** Friday, 31<sup>st</sup> May 2024 12.00pm

**Tender Opening:** Friday, 31<sup>st</sup> May 2024 13.05pm

### Tender Submissions

Three (3) tenders were received:

<b>Tenderer</b>
Livingston Medical Pty Ltd
St Lukes Family Practice Pty Ltd
Pioneer Health Albany

No alternative or non-conforming Tenders were submitted

### Contract

**Commencement Date of New Contract:** July 2024

**Completion Date of New Contract:** June 2029

**Price Basis of New Contract:** Fixed Price

### Tender Evaluation Panel

The tender evaluation panel comprised of three members, including two Shire executives, and one independent specialist panel member. Another independent specialist provided subject matter expertise and a Shire Officer oversaw the process to ensure appropriate governance.

### Evaluation of Tenders

The objective of the evaluation panel is to recommend a suitably qualified and experienced service provider to satisfy the requirement of the above mentioned RFT.

Based on evaluation of the received submissions and subsequent compliance assessments, the Evaluation Panel recommend that the Tenderer recommended in this report be accepted at the estimated Contract value and Contract term provided, from the anticipated commencement date.

**Evaluation Justification**

Provided in Confidential Attachment to this report.

**COMMENTS**

All members of the evaluation panel have made a conflict-of-interest declaration in writing confirming they have no relationships with any of the tenderers. It is confirmed that the following checks have been undertaken:

Has the recommended Tenderer undergone Reference Checks successfully?	YES
Has the recommended Tenderer undergone Financial Viability assessment and been deemed acceptable?	YES
Was a Conflict of Interest declared? If yes, please specify how it was managed?	NO

**CONSULTATION**

In accordance with Section 1.8 of the Local Government Act 1995 and Regulation 14(1) of the Local Government (Functions and General) Regulations 1996 the Tender was advertised in a statewide publication. A link to the Tender documents was also made available via the Shires website.

Following contract execution, details will be included on the Tender Register on the Shires Website.

**LEGAL AND STATUTORY REQUIREMENTS**

The Tender has been conducted in accordance with Part 4 of the Local Government (Functions and General) Regulations 1996 and the Local Government Act 1995

**POLICY IMPLICATIONS**

Shire of Gnowangerup Delegation Register  
Shire of Gnowangerup Procurement Policy

**FINANCIAL IMPLICATIONS**

Provided in Confidential Attachment

**STRATEGIC IMPLICATIONS**

As per the Shire of Gnowangerup Integrated Strategic Plan

<b>Theme</b>	Our Organisation
<b>Community Priority</b>	Access to health services

**STRATEGIC RISK MANAGEMENT CONSIDERATIONS**

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

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

**IMPACT ON CAPACITY**

NIL

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council can decline to accept the recommendation contained in the attached confidential report. If council decline to accept the recommendation this will likely increase the potential gap in service delivery of a general practitioner within the Shire and therefore impact on community health outcomes.

**CONCLUSION**

That the tender for General Practitioner Services be ACCEPTED as detailed in the Confidential attachment.

**VOTING REQUIREMENTS**

Absolute Majority

**PROCEDURAL MOTION**

**MOVED:** Cr P Callaghan

**SECONDED:** Cr R Minitier

**0624.37**      **That Council:**

**Reopens the meeting to members of the public.**

**UNANIMOUSLY CARRIED: 7/0**

**FOR:**      Cr K O’Keeffe, Cr R O’Meehan, Cr R Minitier, Cr M Creagh, Cr P Callaghan, Cr R Kiddle,  
Cr L Martin

**AGAINST:** NIL

**COUNCIL RESOLUTION**

**MOVED:** Cr R Kiddle

**SECONDED:** Cr L Martin

**0624.38**      **That Council:**

**That the tender for General Practitioner Services be ACCEPTED as detailed in the Confidential attachment.**

**CARRIED BY ABSOLUTE MAJORITY: 7/0**

**FOR:**      Cr K O’Keeffe, Cr R O’Meehan, Cr R Minitier, Cr M Creagh, Cr P Callaghan, Cr R Kiddle,  
Cr L Martin

**AGAINST:** NIL

Cr Hmeljak re-entered the meeting at 3:14pm

The Presiding Member announced the resolution and result.

**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 26 June 2024.

**16. CLOSURE**

The Shire President thanked Council and staff for their time and declared the meeting closed at 3:15 pm.