



## **SHIRE OF BODDINGTON**

*'to provide the leadership, facilities, infrastructure  
and services that will serve the needs of our community.'*

### **MINUTES**

**For The  
Special Meeting Of Council  
Held At**

**7.00 PM, TUESDAY 22<sup>nd</sup> OCTOBER 2013**

**at the  
Boddington Community Club  
Club Drive, Boddington**

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## **1 DECLARATION OF OPENING:**

The Chief Executive Officer, Mr Gary Sherry, will open the meeting.

## **2 Election of President and Deputy President:**

### **2.1.1 Election of President**

File Ref. No: ADM 0081  
Author: Gary Sherry  
Disclosure of Interest: Nil  
Date: 16<sup>th</sup> October 2013

#### **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.

[Clause 9 amended by No. 49 of 2004 s. 69(10).]

OFFICER'S RECOMMENDATION – ITEM 2.1.1
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**The Chief Executive Officer advised that the following nominations had been received for the position of Shire President:**

- **Cr John Robert Allert nominated by Cr Neville James Crilly**
- **Cr Elizabeth Kaye Hoek nominated by Cr Elizabeth Kaye Hoek**

**Councillors cast their votes under an election environment using the first past the post system.**

**The result of the election was:**

- **Cr John Robert Allert** 4 votes
- **Cr Elizabeth Kay Hoek** 3 votes

**Cr John Robert Allert was declared elected to the position of Shire President.**

## 2.1.2 Election of Shire Deputy President

File Ref. No: ADM 0081  
Author: Gary Sherry  
Disclosure of Interest: Nil  
Date: 16<sup>th</sup> October 2013

### 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.

[Clause 8 amended by No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]

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.

OFFICER'S RECOMMENDATION – ITEM 2.1.2

The Chief Executive Officer advised that the following nominations had been received for the position of Shire Deputy President:

- Cr Elizabeth Kaye Hoek nominated by Cr Elizabeth Kaye Hoek
- Cr Jeff Hewton nominated by Cr Jeff Hewton

Councillors cast their votes under an election environment using the first past the post system.

The result of the election was:

- Cr Jeff Hewton 4 votes
- Cr Elizabeth Kaye Hoek 3 votes

Cr Jeff Hewton was declared elected to the position of Shire Deputy President.

2.1.3 Allotment of Councillors Seats

File Ref. No: ADM 0081  
Author: Gary Sherry  
Disclosure of Interest: Nil  
Date: October 2011

Summary

It is recommended that Council complete a reorganisation of seating at the Council table.

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 Shire President will sit at the head of the Council and Council has established a precedent where the Deputy President sits at the nearest seat to the right of the President.

Statutory Environment

Shire of Boddington -Standing Orders Local Law

9.2 Members to Occupy Own Seats

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

OFFICER RECOMMENDATION – ITEM 2.1.3

The Chief Executive Officer allotted seats at the Council Table for Councillors.

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

Cr J R Allert	President
Cr J Hewton	Deputy President
Cr EK Hoek	
Cr NJ Crilly	
Cr J Goodgame	
Cr T Collins	
Cr M Nelson	

Mr G Sherry	Chief Executive Officer
Mr G Bartle	Director of Corporate Services
Mrs Anthea Patten	Manager Community Services
Ms Cassi Vandenberg	Finance Manager
Ms T Bryant	Executive Assistant

There were 16 members of public in attendance

### **4 DISCLOSURE OF FINANCIAL INTEREST:**

Nil

### **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 PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS:**

Nil

### **7 CONFIRMATION OF MINUTES:**

Nil

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:**

Nil

## **9 REPORTS OF OFFICERS AND COMMITTEES:**

### **9.1 CHIEF EXECUTIVE OFFICER:**

#### **9.1.1 Appointment to Committees and of Delegates**

File Ref. No: ADM 0081  
Author: Gary Sherry  
Disclosure of Interest: Nil  
Date: 16<sup>th</sup> October 2009

#### 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 a Ordinary Meeting of Council held on Tuesday 18<sup>th</sup> October 2011, Council appointed the following delegates to committees:

	<b>Committee/Organisation</b>	<b>Delegate</b>	<b>Proxy Delegate</b>
1	Shire of Boddington Audit Committee	Cr Allert, Cr Veitch, Cr Crilly	Nil
2	Boddington SuperTown Community Reference Group Committee	Cr Allert, Cr Veitch	Cr Goodgame
3	Local Emergency Management Committee	Cr Veitch, Cr Goodgame P Haas (PEHO)	Cr Allert
4	Boddington Tidy Town/Townscape Committee	Manager Community Serices (MCS)	Chief Executive Officer (CEO)
5	Hotham Catchment Management Committee	Cr Veitch, Director Corporate Services (DCS)	Cr Allert and CEO
6	South West Regional Road Group	Cr Veitch, Manager Works (MW)	Cr Crilly DCS
7	Peel Zone of WALGA Delegate	Cr Allert, Cr Veitch	Cr Crilly
8	Peel Economic Development Unit	Cr Allert CEO	Cr Goodgame DCS
9	Peel Community Development Group	Cr Crilly	Cr Hoek
10	Rail Heritage Foundation of WA	Mr Jim Nelson	Nil

	<b>Committee/Organisation</b>	<b>Delegate</b>	<b>Proxy Delegate</b>
11	Bushfire Advisory Committee	Cr Carrotts DCS	Cr Veitch CEO
12	Boddington Local Health Advisory Group	Cr Allert, Cr Veitch, MCS	Cr Goodgame, Cr Hoek
14	Centenary Celebrations Working Group	Cr Hoek MCS	Cr Goodgame CEO
15	Recreation Centre Committee	Cr Carrotts Director Special Projects (DSP)	Cr Crilly CEO
17	Worsley Alumina Community Liaison Committee	Cr Veitch	Cr Allert
18	Hotham Williams Catchment Environmental Alliance	Cr Goodgame MCS	Cr Crilly CEO
19	Industry Roads Safety Alliance	Cr Allert	Cr Veitch

Since that decision of Council there have been amendments to some of the committees.

#### Comment

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

<b>Committee/Organisation</b>	<b>Comment</b>
Shire of Boddington Audit Committee	Council continue with three Council representatives. In the past all Councillors have been members of this committee.
Cemeteries Advisory Committee	This is a new committee to be formed to provide advice to Council on aspects of the Cemetery management
Boddington SuperTown Community Reference Group Committee	This committee is no longer active. No delegate is required.
Local Emergency Management Committee	Only one Councillor is required as a delegate, with this member to chair the LEMC. It may be appropriate to have a proxy with some familiarity with the committee as they will chair the meetings when the delegate is away.
Hotham Catchment Management Committee	To date Council is not aware of this committee having met. No delegate is required.
Boddington Tidy Town/Townscape Committee	No formal membership of this committee is required. Interested Councillors may choose to join if interest.  In the past staff have been delegated to attend this committee.
South West 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. Cr Veitch is the current chair of this group.
Peel Zone of WALGA Delegate	Council is entitled to two delegates. It is suggested that the CEO be a proxy delegate to permit him to attend in absence of Councillor,
Peel Economic Development Unit	This Incorporated Association is no longer active. No delegate is required.

<b>Committee/Organisation</b>	<b>Comment</b>
Peel Regional Leaders Forum (PRLF)	The PRLF has developed from the Peel Development Commission's Leadership Group. The PRLF is an incorporated association made up of Peel Region Local governments and regional bodies that looks to provide leadership and facilitate development in the Peel region. The Shire President and CEO are the members appointed under the PRLF constitution. Proxy delegates are possible.
Peel Community Development Group	Continue with Delegate and Proxy. It may be in the interests of the Proxy to attend a meeting to observe this Committee.
Hotham Williams Economic Development Alliance	Continue with Delegate and proxy. It may be in the interests of the Proxy to attend a meeting to observe this Committee.
Rail Heritage Foundation of WA	Mr Nelson is the appropriate delegate to this group
Bushfire Advisory Committee	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.
Boddington Local Health Advisory Group	A number of Councillors attend these meetings. Council should appoint two delegates and a proxy.
Centenary Celebrations Working Group	This committee is no longer active. No delegate is required
Recreation Centre Committee	Continue with Delegate and Proxy.
Worsley Alumina Community Liaison Committee	Continue with Delegate and Proxy.
Hotham Williams Catchment Environmental Alliance	Continue with Delegate and Proxy.
Industry Roads Safety Alliance	Continue with Delegate and Proxy. Cr Allert is the current Chairman of this Group.
Boddington Youth Centre Advisory Committee	Provide advice to Council on youth issues, the Youth Centre and Youth policy and provide support to the Youth Centre operations.  This committee supports the youth centre and is largely composed of parents and supporters. A Council delegate is not always required for those tasks.

## 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*

#### 5.10. 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

#### Voting Requirement – Absolute Majority

OFFICER'S RECOMMENDATION – ITEM 9.1.1
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**Council Resolution**

**206/13**

**Moved**

**Cr Hewton**

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:

<b>No.</b>	<b>Committee/Organisation</b>	<b>Delegate</b>	<b>Proxy Delegate</b>
<b>1</b>	<b>Shire of Boddington Audit Committee</b>	<b>Cr J Allert, CrJ Hewton, Cr N Crilly</b>	<b>Cr T Collins, Cr J Goodgame, Cr E Hoek, Cr M Nelson</b>
<b>2</b>	<b>Shire of Boddington Cemeteries Advisory Committee</b>	<b>Cr E Hoek</b>	<b>Nil</b>
<b>3</b>	<b>Local Emergency Management Committee</b>	<b>Cr N Crilly, Cr J Allert Principal Environmental Health Officer (PEHO)</b>	<b>Nil</b>
<b>4</b>	<b>Peel Regional Leaders Forum</b>	<b>Shire President Chief Executive Officer (CEO)</b>	<b>Shire Deputy President Director Corporate Services (DCS)</b>
<b>5</b>	<b>Peel Zone of WALGA Delegate</b>	<b>Shire President, Shire Deputy President</b>	<b>Nil CEO</b>
<b>6</b>	<b>Hotham William Economic Development Alliance</b>	<b>Cr J Goodgame Mr Neil Batterby Local Business Rep Vacancy</b>	<b>Nil CEO</b>
<b>7</b>	<b>South West Regional Road Group</b>	<b>Cr T Collins</b>	<b>Manager Works (MW)</b>
<b>8</b>	<b>Bushfire Advisory Committee</b>	<b>Cr N Crilly DCS</b>	<b>CEO, Cr J Hewton</b>
<b>9</b>	<b>Boddington Local Health Advisory Group</b>	<b>Cr M Nelson, Cr J Allert Manager Community Services (MCS)</b>	<b>Cr J Hewton CEO</b>
<b>10</b>	<b>Recreation Centre Committee</b>	<b>Cr J Goodgame Director Special Projects (DSP)</b>	<b>Cr J Hewton CEO</b>
<b>11</b>	<b>Worsley Alumina Community Liaison Committee</b>	<b>Cr M Nelson</b>	<b>Cr T Collins</b>
<b>12</b>	<b>Hotham Williams Catchment Environmental Alliance</b>	<b>Cr J Allert MCS</b>	<b>Nil CEO</b>
<b>13</b>	<b>Industry Roads Safety Alliance</b>	<b>Cr J Allert</b>	<b>Nil</b>
<b>14</b>	<b>Peel Community Development Group</b>	<b>Cr E Hoek</b>	<b>Cr J Goodgame</b>

No.	Committee/Organisation	Delegate	Proxy Delegate
15	Boddington Tidy Town/Townscape Committee	Cr E Hoek, MCS	CEO
16	Rail Heritage Foundation of WA	Mr Jim Nelson	Nil
17	Boddington Youth Centre Advisory Committee	Cr J Hewton	Cr M Nelson

Seconded Cr Goodgame Carried 7/0

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

Nil

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

Nil at this time.

**12 CONFIDENTIAL ITEMS:**

Nil

**13 CLOSURE OF MEETING:**

With no further business to discuss the Shire President, Cr Allert, closed the meeting at 7:47pm.

These minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on Tuesday 19<sup>th</sup> November 2013.

.....  
JR Allert  
(President)