



## Shire of Cunderdin

### Minutes of a Special Council Meeting

Dear Council Member,

A Special Meeting of the Cunderdin Shire Council was held on **Tuesday 5<sup>th</sup> November 2019** in the Council Chambers, Lundy Avenue Cunderdin commencing **at 5:02pm**, for the purpose of:

1. Swearing in of newly elected Councillors.
2. Election of Shire President.
3. Election of Deputy Shire President.
4. Reappointment of Councillors to Committees, Working Group and Portfolios.

Stuart Hobley

**Chief Executive Officer**

Tuesday 29<sup>th</sup> October 2019

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## MINUTES

### 1. Declaration of Opening

**The President declared the meeting open at 5:02 pm**

**The Shire of Cunderdin disclaimer was read aloud.**

The *Local Government Act 1995* Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten working days of this meeting”.

Read by Cr DA (Dennis) Whisson

## 1.1 Swearing In of newly elected Councillors

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	29 <sup>th</sup> October 2019
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

For the newly elected Councillors to take the Declaration by Elected Member in accordance with the provisions of the Local Government Act 1995.

### **Background**

Provisions within the *Local Government Act 1995*, S2.29, and the Local Government (Constitution) Regulations 1998, C13, state that a person elected as a councillor has to make a declaration in the prescribed form before acting in the office and the format in which that declaration is to be made.

### **Comment**

Mr Clive Gibsons JP is in attendance to administer this function.

### **Consultation**

Nil

### **Statutory Implications**

#### Local Government Act 1995

##### **2.29. Declaration**

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.
  - (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
  - (3) A declaration required by this section is to be taken or made before a prescribed person.
  - (4) A person who acts in an office contrary to this section commits an offence.
- Penalty: \$5 000 or imprisonment for one year.

#### Local Government (Constitution) Regulations 1998

##### **13. Oaths, affirmations and declarations (s. 2.29, 2.42)**

- (1) For the purposes of sections 2.29 and 2.42 — [(a), (b) deleted] (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7; (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president; or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —  
authorised person means a person before whom a statutory declaration can be made under the Oaths, Affidavits and Statutory Declarations Act 2005.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Newly elected Councillors Todd Harris, Anthony (Tony) Smith, William (Sam) Stewart and Bernie Daly took the Declaration by Elected Member before Mr Clive Gibsone, Justice of the Peace.**

## 1.2 Election of Shire President

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	29 <sup>th</sup> October 2019
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

For Council to elect the Shire President for the next two (2) year period, 2019 to 2021.

### **Background**

Provisions within the *Local Government Act 1995*, Schedule 2.3, Division 1, provide for the election of the Shire President by the Council.

Section 2.29 of the *Act* states that a person elected by the council as president has to make a declaration in the prescribed form before acting in the office.

Local Government (Constitution) Regulations 1998, C13, provides for the format in which the person elected as the president has to make the declaration.

### **Comment**

Nil

### **Consultation**

Nil

### **Statutory Implications**

#### Local Government Act 1995

#### **2.29. Declaration**

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.
- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.

Penalty: \$5 000 or imprisonment for one year.

#### **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 1 — Mayors and presidents**

##### 1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1); office means the office of councillor mayor or president.

##### 2. When council elects 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 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.

[Clause 4 amended by No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

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.

#### Local Government (Constitution) Regulations 1998

#### **13. Oaths, affirmations and declarations (s. 2.29, 2.42)**

- (1) For the purposes of sections 2.29 and 2.42 — [(a), (b) deleted] (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7; (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president; or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —  
authorised person means a person before whom a statutory declaration can be made under the Oaths, Affidavits and Statutory Declarations Act 2005.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**The Chief Executive Officer advised that no written nominations have been received for Position of Shire President.**

**Cr J Goldson nominated Cr D Whisson for President  
Seconded Cr A Harris**

**Cr Whisson accepted the nomination for the position.**

**As there were no further nominations received, Cr D Whisson was declared elected unopposed to the position of Shire President for the Shire of Cunderdin for the two-year period to October 2021.**

**Cr D Whisson duly took the Declaration by Elected Member for the position of Shire President before Clive Gibsone, Justice of the Peace.**

**Cr D Whisson thanked the councillors for their confidence in him, the continued support, and advised the meeting that he looked forward to another term as Shire President.**



### 1.3 Election of Deputy Shire President

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	29 <sup>th</sup> October 2019
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### **Proposal/Summary**

For Council to elect the Deputy Shire President for the next two (2) year period, 2019 to 2021.

#### **Background**

Provisions within the *Local Government Act 1995*, Schedule 2.3, Division 1, provide for the election of the Deputy Shire President by the Council.

Section 2.29 of the *Act* states that a person elected by the council as deputy president has to make a declaration in the prescribed form before acting in the office.

Local Government (Constitution) Regulations 1998, C13, provides for the format in which the person elected as the deputy president has to make the declaration.

#### **Comment**

Nil

#### **Consultation**

Nil

#### **Statutory Implications**

##### Local Government Act 1995

##### **2.29. Declaration**

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.
- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.

Penalty: \$5 000 or imprisonment for one year.

##### **Schedule 2.3 Division 2 — Deputy mayors and deputy presidents**

6. Terms used In this Division —  
extraordinary vacancy means a vacancy that occurs under section 2.34(1); 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 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.

Local Government (Constitution) Regulations 1998

**13. Oaths, affirmations and declarations (s. 2.29, 2.42)**

- (1) For the purposes of sections 2.29 and 2.42 — [(a), (b) deleted] (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7; (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president; or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —

authorised person means a person before whom a statutory declaration can be made under the Oaths, Affidavits and Statutory Declarations Act 2005.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**The Chief Executive Officer advised that no written nominations have been received for Position of Deputy Shire President.**

**Cr J Goldson nominated Cr A Harris for Deputy President  
Seconded Cr T Harris**

**Cr A Harris Accepts the nomination for Deputy President**

**Cr N Jenzen nominated Cr B Daly for Deputy President  
Seconded Cr A Stewart**

**Cr B Daly declined the nomination for Deputy President**

**As there were no further nominations received, Cr A Harris was declared elected unopposed to the position of Deputy Shire President for the Shire of Cunderdin for the two-year period to October 2021.**

**Cr A Harris duly took the Declaration by Elected Member for the position of Deputy Shire President before Cr Clive Gibsone, Justice of the Peace.**

Mr Clive Gibson welcomed the new councillors and congratulated the appointment of President and Deputy President.

5:10Pm            Mr Clive Gibsone JP departed the Council Chamber

## 2. Record of Attendance, Apologies and Approved Leave of Absence

### 2.1 Record of attendances

#### Councillors

Cr DA (Dennis) Whisson      Shire President  
Cr AE (Alison) Harris      Deputy President  
Cr TE (Todd) Harris  
Cr NW (Norm) Jenzen  
Cr B (Bernie) Daly  
Cr J (Jayson) Goldson  
Cr W (Sam) Stewart  
Cr A (Tony) Smith

#### In Attendance

Stuart Hobley      Chief Executive Officer  
Lauren Cole      Governance and Compliance Officer

#### Guests of Council

Mr Clive Gibson      Justice of the Peace      Exited at 5:10 PM  
Mrs Deborah Stewart

#### Members of the Public

### 2.2 Apologies

Hayley Byrnes      Manager of Corporate Services and Finance

### 2.3 Leave of Absence Previously Granted

## 3. Public Question Time

Nil

## 4. Petitions, Deputations & Presentations

Nil

## 5. Finance & Administration

### 5.1 Review of Appointments to Committees, Working Groups and Portfolios

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	29 <sup>th</sup> October 2019
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### **Proposal/Summary**

Council to review appointments to Committees, Working Groups and Portfolios.

#### **Background**

Council has previously adopted the following appointments to the various Committees, Working Groups and Portfolios at the OCM held on 16<sup>th</sup> November 2017:

*That the various Council appointments to the Committees, Working Groups and Portfolios be as follows:*

#### Committees of Council

##### Audit Committee

*Cr Dennis Whisson, Cr Doug Kelly, Cr Jayson Goldson & Cr Norm Jenzen*

##### Cunderdin Airfield Committee

*Cr Dennis Whisson & Cr Doug Kelly*

##### Local Emergency Management Committee (LEMC)

*Cr Dennis Whisson, Cr Doug Kelly & Cr Jayson Goldson*

##### Museum Management Committee

*Cr Todd Harris*

#### Other Committees and Groups

##### Cunderdin Aged Appropriate Accommodation Project Management Committee

*Cr Bernie Daly & Cr Dianne Kelly*

##### Department of Fire and Emergency Services Committee (DFES)

*Cr Todd Harris & Cr Norm Jenzen*

##### Primary Health Care Demonstration Site Project User Group

*Cr Dennis Whisson & Cr Dianne Kelly; Cr Jayson Goldson (Proxy Delegate)*

##### Regional Road Group Kellerberrin Sub Group

*Cr Doug Kelly & Cr Bernie Daly*

##### Shared CEO Resource Sharing Committee (with Shire of Tammin)

*Shire President & Deputy Shire President*

##### WALGA Great Eastern Country Zone (GECZ)

*Cr Dennis Whisson; Cr Alison Harris (Proxy Delegate)*

#### Portfolios

##### Avon Catchment Council & Natural Resource Management

*Cr Dennis Whisson*

##### Buildings

*Cr Dianne Kelly & Cr Alison Harris*

Cunderdin Community Resource Centre

Cr Dennis Whisson

Cunderdin Sports & Recreation Centre Management Committee

Cr Alison Harris; Cr Dennis Whisson (Proxy Delegate)

Education Issues

Cr Todd Harris & Cr Norm Jenzen

Health Issues

Cr Dianne Kelly

Law, Order & Police Issues

Cr Bernie Daly

Meckering Action Group

Cr Dianne Kelly & Cr Doug Kelly

Plant & Equipment

Cr Norm Jenzen & Cr Todd Harris

Seniors Issues

Cr Bernie Daly

Tourism Issues

Cr Dianne Kelly

Marketing and Public Relations

Cr Alison Harris & Cr Dianne Kelly (Proxy Delegate)

Cunderdin Business Association

Cr Jayson Goldson

**Comments**

Depending on the outcome of the election for Shire President and possibly Deputy Shire President, it may be appropriate for Council to review some, or all, of the aforementioned appointments to the various Committees, Working Groups and Portfolios.

It has been suggested that a review of the portfolios take place. The following committees have been disbanded;

- Shared CEO Resource Sharing Committee (Shire of Tammin)
- Cunderdin Aged Appropriate Accommodation Project Management Committee
- Primary Health Care Demonstration Site Project User Group
- Cunderdin Meckering Tammin Age Friendly Community Steering Committee

Cr Bernie Daly and Cr Di Kelly lately formed part of the AAAP committee that's looks after the AAA unities. It is recommended that the AAA working committee continue.

CMT Seniors Committee has recently replaced the Cunderdin Meckering Tammin Age Friendly Community Steering Committee. Both Cr Di Kelly and Cr Bernie Daly formed part of the Age Friendly Committee, however going forward the CMT Seniors Committee only require one delegate from Council.

**Consultation**

Nil

**Statutory Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

#### **Cunderdin Community Strategic Plan**

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

#### **Social**

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

#### **Environmental**

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

#### **Economic**

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

### **Recommendation 3.3**

**That the various Council appointments to the Committees, Working Groups and Portfolios be as follows:**

#### **Committees of Council**

##### **Audit Committee**

All Councillors

##### **Cunderdin Airfield Committee**

Cr Dennis Whisson & Cr Todd Harris, Cr Alison Harris (Proxy Delegate)

##### **Local Emergency Management Committee (LEMC)**

Cr Dennis Whisson, Cr Sam Stewart & Cr Jayson Goldson, Cr Alison Harris

##### **Museum Management Committee**

Cr Todd Harris, Cr Tony Smith

#### **Other Committees and Groups**

##### **Cunderdin AAAP**

Cr Bernie Daly & Cr Norm Jenzen

##### **Department of Fire and Emergency Services Committee (DFES)**

Cr Todd Harris & Cr Norm Jenzen

##### **Local Health Advisory Committee**

Cr Bernie Daly

##### **Regional Road Group Kellerberrin Sub Group**

Cr Norm Jenzen & Cr Bernie Daly (Proxy)

**WALGA Great Eastern Country Zone (GECZ)**

Cr Dennis Whisson; Cr Alison Harris (Proxy Delegate)

**Portfolios**

**Avon Catchment Council & Natural Resource Management**

Cr Dennis Whisson

**Buildings**

Cr Jayson Goldson & Cr Alison Harris

**Cunderdin Community Resource Centre**

Cr Tony Smith

**Cunderdin Sports & Recreation Centre Management Committee**

Cr Norm Jenzen

**Education Issues**

Cr Todd Harris, Cr Norm Jenzen & Cr Sam Stewart

**Health Issues**

Cr Alison Harris & Cr Tony Smith

**Law, Order & Police Issues**

Cr Bernie Daly

**Meckering Action Group**

Cr Sam Stewart, Cr Dennis Whisson (Proxy)

**Plant & Equipment**

Cr Norm Jenzen & Cr Todd Harris

**Seniors Issues**

Cr Bernie Daly

**Tourism Issues**

Cr Jason Goldson, Cr Alison Harris, Cr Todd Harris, Cr Tony Smith

**Marketing and Public Relations**

Cr Alison Harris

**Cunderdin Business Association**

Cr Jayson Goldson

**Youth**

Cr Jason Goldson

Moved: Cr J Goldson

Seconded: Cr A Harris

Vote: Simple Majority

Carried 8/0

**6. Closure of meeting**

There being no further business the Shire President declared the meeting closed at 6:07 pm.