



**MINUTES FOR THE  
EXTRA ORDINARY COUNCIL  
MEETING**

**Tuesday 4<sup>th</sup> April 2023**

Hugh Percy  
**ACTING GENERAL MANAGER**

**MINUTES OF THE EXTRA ORDINARY MEETING OF THE WALGETT SHIRE COUNCIL  
HELD AT THE WALGETT SHIRE CHAMBERS ON TUESDAY 4<sup>TH</sup> APRIL 2023 AT 9:00AM**

**OPEN FORUM**

***Item 1 – Opening of the Meeting***

The Mayor opened the meeting at 9:00am and welcomed John Davies of the Office of Local Government (via Teams) to assist the Council in the conduct of the meeting.

**PRESENT**

Mayor Jane Keir  
Deputy Mayor Greg Rummery  
Clr Alf Seaton  
Clr Colin Hundy  
Clr Sue Currey  
Clr Ian Woodcock  
Clr Jasen Ramien  
Clr Daniel Walford  
Clr Michael Cooke  
John Davies (Office of Local Government)  
Bob Stephen (Director Engineering/Technical Services)  
Kimley Talbert (Director Environmental Services)  
Bob Harris (Assistant Director Environmental Services)  
Hafiz Malik (Director Corporate Services)  
George McCormick (Acting Director Corporate & Community Services)  
Rebecca Wilson (Minute Secretary)

**ABSENT**

Nil.

The Mayor reminded those present that the meeting is being recorded for the purpose of webcasting and made available on the internet and as such all those present should refrain from making any defamatory statements. The Mayor further requested that throughout the meeting the duration of the meeting Councillors limit discussion to only one business items on the agenda and to what is permissible under our Code of Meeting Practice

The Mayor apologised for her behaviour on 28<sup>th</sup> March 2023 – she sincerely apologised and stated and it would not happen again.

***Item 2 Acknowledgment of Traditional Owners***

The Mayor stated that she would like to acknowledge the Traditional Owners of land within the Walgett Shire and would also like to acknowledge the Aboriginal and Torres Strait Islander people who now reside within this Shire.

***Item 3 Apologies and Applications for Leave of Absence or Attendance by Audio Visual link by Councillors***

All Councillors were in attendance

**Item 4. Declaration of Pecuniary/Non-Pecuniary Interests**

No declarations were tabled.

Procedural Motion – The Mayor stated that she wished to move a procedural Motion that the Council go into Closed Session. Councillor Hundy expressed his opposition to the meeting being closed to the Public and with reference to the Meeting held on 28<sup>th</sup> March, 2023 called for the motions passed in closed session to be brought forward and dealt with.

The Mayor declined to accept Councillor Hundy's request and with the support of Mr. Davies ruled that the meeting could only deal with the matters which are on the Agenda namely the Appointment of an Acting General Manager

**Item 5. Mayoral Minute**

A Mayoral Minute had been distributed to Councillors with the Notice Convening the Extraordinary Meeting

The Mayor Stated that she did not wish to proceed with that Mayoral Minute and an alternate Mayoral Minute was distributed to Councillors at this stage in the Proceedings.

Following comments from Councillor Hundy about the surprise last minute tabling of the Mayoral Minute Mr. Davies confirmed that a Mayoral Minute may be tabled without notice at any time.

The alternate Mayoral Minute contained the following recommendation:

1. That Council appoint Mr. Andrew Brown as Acting General Manager of Walgett Shire Council until the close of the next Ordinary Council Meeting proposed to be held on 26<sup>th</sup> April, 2023
2. That Council authorise the Mayor to negotiate and sign a contract of engagement with the Acting General Manager
3. That Council delegate to the Acting General Manager the functions as described in the Instrument of Delegation attached to this Minute pursuant to Section 377 of the Local Government Act 1993
4. That Council authorise the Mayor to seek expressions of interest from recruitment agencies to undertake the recruitment of a new General Manager for Walgett Shire Council
5. That all expressions of interest received from recruitment agencies wishing to undertake the recruitment of a new General Manager be referred to Council at the April, 2023 Ordinary Meeting of the Council.

After enquiry from Mr. Davies as to whether the Council had resolved to go in to Closed Session the Mayor moved that the Meeting be Closed to the Public.

**3/2023/1 Procedural Motion****Resolved:**

That the public be excluded from the meeting pursuant to Sections 10A of the Local Government Act 1993 on the basis that the items deal with:

(a) Personnel matters concerning particular individuals (other than Councillors);

**Moved:        Clr Keir**  
**Seconded:    Clr Woodcock**

**For:**  
**Clr Keir**  
**Clr Rummery**  
**Clr Currey**  
**Clr Woodcock**

**Against:**  
**Clr Hundy**  
**Clr Ramien**  
**Clr Cooke**  
**Clr Walford**  
**Clr Seaton**

**4 in favour/5 opposed/0 absent**

**LOST**

The Mayor moved the recommendation set out in her Mayoral Minute

**3/2023/2 Mayoral Minute**

1. That Council appoint Mr Andrew Brown as Acting General Manager of Walgett Shire Council until the close of the next Ordinary Council Meeting proposed to be held on 26 April 2023.
2. That Council authorise the Mayor to negotiate and sign a contract of engagement with the Acting General Manager.
3. That Council delegate to the Acting General Manager the functions as described in the Instrument of Delegation attached to this Minute, pursuant to Section 377 of the Local Government Act 1993.
4. That Council authorise the Mayor to seek expressions of interest from recruitment agencies to undertake the recruitment of a new General Manager for Walgett Shire Council.
5. That all expressions of interest received from recruitment agencies wishing to undertake the recruitment of a new General Manager be referred to Council in at the April 2023 Ordinary Council Meeting for final selection.

**Moved:        Clr Keir**

**For:**  
**Clr Keir**  
**Clr Rummery**  
**Clr Currey**  
**Clr Woodcock**

**Against:**  
**Clr Hundy**  
**Clr Ramien**  
**Clr Cooke**  
**Clr Walford**  
**Clr Seaton**

**4 in favour/5 opposed/0 absent**

**LOST**

**3/2023/3 Motion to Appoint Acting General Manager**

1. That Council appoint Mr Hugh Percy as Acting General Manager of Walgett Shire Council until the appointment of permanent General Manager by Council.
2. That Council delegate to the Acting General Manager the functions as described in the Instrument of Delegation attached to this Minute, pursuant to Section 377 of the Local Government Act 1993.

**Moved: Clr Hundy**  
**Seconded: Clr Cooke**

**For:**  
**Clr Hundy**  
**Clr Cooke**  
**Clr Ramien**  
**Clr Walford**  
**Clr Seaton**

**Against:**  
**Clr Keir**  
**Clr Rummery**  
**Clr Currey**  
**Clr Woodcock**

**5 in favour/4 opposed/0 absent**

**CARRIED**

Councillor Hundy raised a question as to whether if his motion was carried there would be a need to print off a contract for Mr. Percy to sign. The Mayor advised that if Councillor Hundy's Motion is carried Mr. Percy would instantly be the Acting General Manager

Councillor Rummery raised a question as to whether Councillor Hundy has a pecuniary or other conflict of interest in the appointment of Mr. Percy.

Mr. Davies advised that this is not a question to be decided by the Council and that it is a matter for Councillor Hundy to determine for himself in accordance with the Coded of Conduct.

On being to the vote the result was 5 in favour 4 against. The Mayor declared the motion carried and congratulated Mr. Percy for being Walgett Shire Council's new Acting General Manager.

At this stage in the Meeting the matters on the Agenda had been concluded but Councillor Hundy enquired of the Mayor whether there was a procedure which would enable the Meeting to bring forward and consider an urgent matter which had been listed on the Agenda for the meeting of 28<sup>th</sup> March 2023 concerning the Collarenebri Bore Mains

Mr. Davies drew attention to Clause 9.3 of the Code of Meeting Practice being a procedure for allowing discussion on matters not actually on the Agenda provided that a motion is passed to have the business considered at the meeting and the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting.

**3/2023/4 Motion to Discuss Business as a Matter of Urgency**

1. The Mayor declared that the matters of the Tender for Construction of Collarenebri Bore Mains RFT 22-012 and Development Application 2023/4 Collarenebri Bore Baths, 18 Wilson St, Collarenebri were of great urgency.
2. That Council resolve to discuss the matters of the Tender for Construction of Collarenebri Bore Mains RFT 22-012 and Development Application 2023/4 Collarenebri Bore Baths, 18 Wilson St, Collarenebri.

**Moved: Clr Hundy**  
**Seconded: Clr Cooke**

**CARRIED**

After discussion with Mr. Davies it was agreed that these are matters which would entitle the Council to go into Closed Session and Exclude the Public pursuant to provisions in Section 10A of the Local Government Act.

**3/2023/5 Motion to Move into Closed Session****Time: 9:32am****Resolved:**

That members of the public be excluded from the meeting to enable Councillors to hold confidential discussions, pursuant to Sections 10A of the Local Government Act 1993 on the basis that the items deal with:

- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

**Moved: Clr Ramien**  
**Seconded: Clr Hundy**

**CARRIED****3/2023/6 Return to open session****Time: 10:00am****Resolved:**

That Council return to open session.

**Moved: Clr Ramien**  
**Seconded: Clr Cooke**

When the Council moved back into Open Session the Mayor read out the following resolutions which were passed during the Closed Session Meeting.

**3/2023/7 Development Application 2023/4 – Collarenebri Bore Baths****Resolved:**

That Council Authorise the Acting General Manager to determine and approve the application under delegated authority provided that any issues raised by Government authorities can be resolved by conditions of approval.

**Moved: Clr Ramien****Seconded: Clr Cooke****For:****Clr Keir****Clr Rummery****Clr Currey****Clr Woodcock****Clr Hundy****Clr Cooke****Clr Ramien****Clr Walford****Clr Seaton****Against:****9 in favour/0 opposed/0 absent****CARRIED**

**3/2023/8 Tender for Construction Collarenebri Bore Mains RFT 22-012****Resolved:**

That Council:

- a. Having received three (3) tenders for Construction of the Collarenebri Bore Mains, all of which were in excess of the adopted budget for the project, now, in accordance with Section 178 (3) (e) of the Local Government (General) Regulation 2021, Council shall decline to accept all tenders submissions and enter into negotiations with tenderers PT&S Group Pty Ltd and Trazlbat Pty Ltd for a reduced scope of works, with the view of entering into a best value contract with the successful contractor.
- b. The reasons for declining to invite fresh tenders are:
  - a. Time constraints associated with Commonwealth Government Funding,
  - b. Better value likely achieved through negotiations for this project, with two already identified tenderers.
  - c. The market sounding exercise of open tender has been completed, identifying two suitably qualified contractors to complete works.
  - d. Pricing for revised scope of works is not expected to exceed the tender threshold of \$250,000 including 10% GST.
- c. The reasons for entering into negotiations with the contractors as described in (a) above are:
  - a. PT&S Group Pty Ltd and Trazlbat Pty Ltd are suitably qualified having completed similar style projects.
  - b. PT&S Group Pty Ltd and Trazlbat Pty Ltd both provided competitive tender for the initial tender scope of works.
- d. The General Manager be authorised to enter into a contract with the successful Contractor to a value up to \$249,990 incl 10% GST.

**Moved: Clr Cooke**

**Seconded: Clr Ramien**

**CARRIED**

*The meeting was closed at 10:05am*

To be confirmed at the next meeting of Council.

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Mayor