



MINUTES
OF THE SPECIAL MEETING
HELD ON
31 JANUARY 2012
1.30pm

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Minutes for the Special Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Tuesday 31 January 2012 commencing at 1:30pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Terry Iturbide declared the Special Meeting open at 1.30pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Shire President Terry Iturbide Deputy Shire President Cr Len Terry Cr Laurence Hodder Cr Tom Hodder Cr Raul Valenzuela Cr Neil A Grinham
STAFF	CEO Sharon Daishe
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

4. PUBLIC QUESTION TIME

4.0 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.1 QUESTIONS WITHOUT NOTICE

5. BUSINESS AS NOTIFIED

5.0 Purpose of Meeting

The purpose of the Special Meeting is to consider matters for which the meeting may be closed to the public in accordance with section 5.23 (2) of the Local Government Act.

The meeting was called by President Terry Iturbide in accordance with LGA s5.4a in a notice to the CEO.

6. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

6.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from state law publishers <http://www.slp.wa.gov.au/Index.html> on 24 January 2012.

Local Government Act 1995

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government;

- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

5.92. Access to information by council, committee members

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
- (2) Without limiting subsection (1), a council member can have access to —
 - (a) all written contracts entered into by the local government; and
 - (b) all documents relating to written contracts proposed to be entered into by the local government.

5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
 - (b) to cause detriment to the local government or any other person.
- Penalty: \$10 000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007

6. Use of information

- (1) In this regulation —
 - closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
 - confidential document** means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
 - non confidential document** means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
 - (a) information that the council member derived from a confidential document; or
 - (b) information that the council member acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or

- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

6.1 Consideration of matters for which the meeting may be closed to the public under 5.23 (2).

The CEO will present a verbal report to Council in confidence following closure of the meeting to the public.

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2012-0101 Close Meeting to the Public

That the meeting be closed to discuss matters for which the meeting may be closed to the public in accordance with s5.23 (2) (a) and (f) (i) of the Local Government Act.

Moved: Cr L Terry

Seconded: Cr NA Grinham

Motion put and carried 6/0

The meeting was closed to the public at 1.31pm.

Remaining in the meeting were:

- Shire President Terry Iturbide
- Deputy Shire President Cr Len Terry
- Cr Laurence Hodder
- Cr Tom Hodder
- Cr Raul Valenzuela
- Cr Neil A Grinham
- CEO Sharon Daishe

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2012-0102 Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr R Valenzuela

Seconded: Cr NA Grinham

Motion put and carried 6/0

The meeting was reopened to the public at 2.05pm.

Confirmation of Employment of Deputy CEO

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2012-0103 Appointment of Heather Boyd to the position of Deputy Chief Executive Officer (LGA s5.37 Senior Employees)

That pursuant to Council motion C2011-2804 and LGA s5.37 (1) and (2), Council confirms that it accepts the recommendation of the CEO to appoint Heather Boyd to fill the position of Deputy Chief Executive Officer for the Shire of Yalgoo.

Moved: Cr L Hodder

Seconded: Cr R Valenzuela

Motion put and carried 6/0

7. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 2.37pm

DECLARATION

These minutes were confirmed by Council at the Ordinary Meeting held on _____.

Signed: _____
Person presiding at the meeting at which these minutes were confirmed