



UNCONFIRMED MINUTES  
OF THE ORDINARY MEETING  
OF COUNCIL  
HELD IN THE  
PAYNES FIND COMMUNITY CENTRE,  
PAYNES FIND  
THURSDAY 22 MAY 2014  
AT 11:00am

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## CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS .....	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE .....	3
3.	DISCLOSURE OF INTERESTS.....	4
4.	PUBLIC QUESTION TIME .....	4
4.1	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	4
4.2	QUESTIONS WITHOUT NOTICE.....	4
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	4
6.	APPLICATIONS FOR LEAVE OF ABSENCE .....	4
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	4
7.1	PRESIDENT .....	4
7.2	COUNCILLORS.....	4
8.	CONFIRMATION OF MINUTES .....	5
8.1	ORDINARY COUNCIL MEETING.....	5
	<b>C2014-0501 Minutes of the Ordinary Meeting .....</b>	<b>5</b>
9.	MINUTES OF COMMITTEE MEETINGS .....	5
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters .....	5
10.0	INFORMATION ITEMS.....	5
11.	MATTERS FOR DECISION.....	6
11.0	MATTERS BROUGHT FORWARD.....	6
11.1	WORKS AND SERVICES .....	6
11.2	DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH .....	6
11.3	CEO REPORT .....	6
11.4	ADMINISTRATION & FINANCE.....	7
11.4.1	Geraldton-Mt Magnet Road Dedications.....	7
	<b>C2014-0502 Dedication of Geraldton-Mt Magnet Road .....</b>	<b>8</b>
11.4.2	Delegates to Organisation.....	9
	<b>C2014-0503 Nomination of Councillors the Mid-West Local Government</b>	
	<b>Emergency Management Network.....</b>	<b>10</b>
11.4.3	Annual Review of Delegations 2013/14 .....	11
	<b>C2014-0504 Annual Review of Delegations by Council 2014/15 Financial Year-</b>	
	<b>Lay on the Table.....</b>	<b>12</b>
11.4.4	Nomination of Cr Percy Lawson to the Shire of Yalgoo Audit Committee.....	13
	<b>C2014-0505 Audit Committee Membership – Cr Percy Lawson .....</b>	<b>14</b>
11.4.5	Temporary Closure Mt Gibson Road .....	15
	<b>C2014-0506 Temporary Closure of Mt Gibson Road .....</b>	<b>16</b>
12.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	17
12.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	17
	Local Government Act 1995 .....	17
	Local Government (Rules of Conduct) Regulations 2007.....	18
12.1	Consideration of a matter (detail) 5.23 (2) (c) .....	19
	<b>C2014-0507 Close Meeting to the Public .....</b>	<b>19</b>
11.4.6	Top Iron Pty Ltd- RAV Access Mt Gibson Road.....	20
	<b>C2014-0508 Top Iron Pty Ltd RAV Access Agreement -Mt Gibson Road .....</b>	<b>21</b>

11.4.7	Financial Activity Statements and Accounts Paid for the Months of March and April 2014.	23
	<b>C2014-0509 R34 (1) - Financial Activity Statements for the Months of March and April 2014.....</b>	<b>24</b>
	<b>C2014-0510 R13 (1) - List of Accounts Paid for the Months of March and April 2014 .....</b>	<b>24</b>
13.	NOTICE OF MOTIONS.....	25
13.1	PREVIOUS NOTICE RECEIVED.....	25
14.	URGENT BUSINESS.....	25
15.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	25
15.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	25
	Local Government Act 1995.....	25
	Local Government (Rules of Conduct) Regulations 2007.....	26
15.1	Consideration of a matter (detail) 5.23 (2) (a) .....	27
	<b>C2014-0511 Close Meeting to the Public .....</b>	<b>27</b>
	<b>C2014-0512 Open Meeting to the Public.....</b>	<b>27</b>
	<b>C2014-0513 Appointment of Full Time CEO.....</b>	<b>27</b>
16.	REPORTS .....	28
16.0	Executive Manager Works & Infrastructure - May Council Report.....	28
1/.	Road Construction .....	28
2/.	Road Maintenance – Light Grading Works:.....	28
3/.	Other Infrastructure Maintenance:.....	28
4/.	Plant & Equipment: .....	28
5/.	Parks and Reserves:.....	29
6/.	Infrastructure – Capital: .....	29
7/.	Infrastructure - Maintenance .....	29
17.	NEXT MEETING .....	29
18.	MEETING CLOSURE .....	29
	<b>Common Acronyms.....</b>	<b>30</b>



Minutes of the Ordinary Meeting of the Yalgoo Shire Council,  
held in the Paynes Find Community Centre, Paynes Find  
on Thursday 22 May 2014 commencing at 11.00 am.

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President Neil Grinham declared the Ordinary Meeting open at 11:00am.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

MEMBERS	Cr Neil A Grinham, Shire President Cr Stanley K Willock Cr Adam B Fawkes Cr Percy J Lawson Cr Robert W Grinham
STAFF	Heather Boyd, Executive Manager Corporate (EMC) Silvio Brenzi, Executive Manager Works & Infrastructure (EMWI) Karen Malloch, Executive Assistant (EA)
GUESTS	Andrew Whitehead, Top Iron Pty Ltd Karen Godfrey, Top Iron Pty Ltd
OBSERVERS	David Rocke Gail Pilmoor Leah Bell Don Bell Don Anderson Rhonda Anderson Barry Moroney Douglas Taylor RC Woods (Cowboy)
LEAVE OF ABSENCE	

APOLOGIES Cr M Raul Valenzuela, Deputy Shire President  
 Bruce Walker, Acting Chief Executive Officer (ACEO)

**3. DISCLOSURE OF INTERESTS**

Disclosures of interest made before the Meeting  
 Nil

**4. PUBLIC QUESTION TIME**

**4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE**

Nil

**4.2 QUESTIONS WITHOUT NOTICE**

Nil

**5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Item 11.4.6. To consider a matter that is closed to the members of the public under s5.23 (2) (c)  
**Top Iron Pty Ltd- RAV Access Mt Gibson Road**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

**7.1 PRESIDENT**

Date	Details	Attended with whom
11 April 2014	Regional Roads Group Workshop- Geraldton	Raul Valenzuela, Stan Willock
2 May 2014	Murchison Country Zone of WALGA - Cue Parliament	Raul Valenzuela, Adam Fawkes

**7.2 COUNCILLORS**

Date	Details	Councillors

## 8. CONFIRMATION OF MINUTES

### 8.1 ORDINARY COUNCIL MEETING

#### Background

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

#### Voting Requirements

Simple majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0501 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 3 April 2014 be confirmed.

Moved: Cr SK Willock

Seconded: Cr AB Fawkes

Motion put and carried 5/0

## 9. MINUTES OF COMMITTEE MEETINGS

Nil

## 10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters

### 10.0 INFORMATION ITEMS

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (e.g.: matters affecting employee/s or the personal affairs of any person).

- Mr Don Anderson spoke about the urgent need for a permanent nurse at the Yalgoo Nursing Post due to the severe health issues in the community.
- Mr Anderson noted that Paynes Find now has a Defibrillator and is signed up to the "Patient First" system. This is a confidential system which allows health professionals to easily obtain access to patient records therefore enabling immediate assistance for patients.
- Ms Gail Pilmoor, on behalf of the Paynes Find community, extended their thanks to the Yalgoo Shire office for their collaboration, team work and excellent communication.
- Cr Adam Fawkes noted that a thankyou letter has been received from the Isolated Children's Parents' Association of WA (ICPA WA) for the \$1000.00 sponsorship from the Shire of Yalgoo.

## **11. MATTERS FOR DECISION**

### **11.0 MATTERS BROUGHT FORWARD**

#### **11.1 WORKS AND SERVICES**

Within Agenda:

Item 15.0

#### **11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH**

#### **11.3 CEO REPORT**

Within Agenda:

Item 11.4.1

Item 11.4.5

Item 11.4.6



## 11.4 ADMINISTRATION & FINANCE

### 11.4.1 Geraldton-Mt Magnet Road Dedications

File:	006
Author:	B.G.Walker A/CEO
Interest Declared:	No interest to disclose
Date:	9th May 2014
Attachments (yellow coversheet)	A3 Pages 1-7 Deposit Plans 43526(2 of), 43531(1 of ), 43536(4 of)

#### Purpose

- To agree to surrender portions of Council managed land from Reserve 6936(Common) and 3540 (Camping) shown in Deposit Plan 43536 for inclusion into the Geraldton – Mt Magnet Road Reserve
- To agree to the closure of unused road reserves for land shown as Lots 312 & 368 in Deposit Plan 43526 and lots 327 & 328 in Deposit Plan 43531

#### Background

At a meeting held 18 May 2006, Council resolved to concur to the taking of the land subject of Deposit Plans 4325-43531, 43536-43538 and also to its dedication as road under section 56 of the Land Administration Act.

Unfortunately, the resolution was not sufficiently worded to confirm explicit agreement of the Council to surrender Council managed land from reserves 6936 and 3540. Further there was no section 58 resolution for the closure of the unused Wurarga Road reserves 312 and 368 [deposit plan 43526] or lots 328 and 327 [deposit plan 43531] -an old Mt Magnet Road alignment which was just east of Edah Hill.

#### Comment

Those very small portions of land once managed by Council on reserves 6936 and 3540 are already part of the Geraldton-Mt Magnet Road on the southern part of the Yalgoo Town site adjacent to the old Railway and Piesse Street.

The old roads are of no further use.

These resolutions are only functional to tidy up old actions in the upgrade of the Geraldton-Mt Magnet Road

#### Statutory Environment

Land Administration Act 1997 sections 56 & 58

#### Consultation

Main Roads WA

## **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

#### **C2014-0502     Dedication of Geraldton-Mt Magnet Road**

**That Council resolve to agree to the surrender of those portions of Council managed land from Reserve 6936 (Common) and 3450 (Camping) shown in Deposit Plan 43536 as required for inclusion into the Geraldton- Mt Magnet Road Reserve**

**That Council resolve to agree to the closure of unused road reserves for land shown as Lots 312 & 368 on Deposit Plan 43526 and lots 327 & 328 on Deposit Plan 43531.**

**Moved: Cr SK Willock**

**Seconded: Cr AB Fawkes**

**Motion put and carried 5/0**

**11.4.2 Delegates to Organisation**

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	15 April 2014
Attachments	Nil

**Matter for Consideration**

To nominate Councillors as delegates to the Mid-West Local Government Emergency Management Network.

**Background**

Council nominates representatives for a range of regional organisations and nominates delegates to other organisations from time to time.

**Statutory Environment**

*Local Government Act 1995*

s.5.8 to s.5.18 – requirements for the appointment of Committees, membership, delegations etc

**Business Implications**

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	Policy 1.7 – Representatives to Organisations
Financial (short term/ annual budget)	

**Financial Implications**

Under current policy, nominated delegates to committees may be entitled to reimbursement of necessary travelling expenses only to attend meetings.

**Consultation**

Neil Grinham, Shire President

Bruce Walker, Acting CEO

**Comment**

This is the local emergency management committee with mid-west Shires meeting discuss co-operation during emergency management and recovery procedures on a strategic level. Alignment of emergency plans with all the Councils will benefit in the management of emergency situations such as fires and floods. This will assist all of the Shires to apply for funding and planning grants where available.

## **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2014-0503    Nomination of Councillors the Mid-West Local Government Emergency Management Network**

**That Council nominate Neil Grinham and Stan Willock as Shire delegates to the Mid-West Local Government Emergency Management Network and that a fee equal to the committee meeting fee of Council be paid to the delegate for attending the meeting.**

**Moved: Cr RW Grinham**

**Seconded: Cr AB Fawkes**

**Motion put and carried 5/0**

### 11.4.3 Annual Review of Delegations 2013/14

File:	Delegations Register (Section 1 of Councillor’s Manual 2)
Author:	B.G.Walker A/CEO with Neil Mitchell Consultant
Interest Declared:	No interest to disclose
Date:	9 <sup>th</sup> May 2014
Attachments:	Draft Delegations Register ( <a href="#">Appendix 1 – Blue</a> )

#### Purpose

To review delegations made by Council to the CEO and other Officers under the Local Government Act and other Acts as required.

#### Background

Section 546(2) of the Local Government Act 1995 requires Council to review any delegation/s of its powers at least once per financial year.

The Shire of Yalgoo Delegations Register was adopted on 17 April 2008 and last reviewed on 21 June 2012, in the 2011/12 financial year. The delegations were meant for review in the 2012/13 financial year and therefore it is necessary to carry out a review as soon as possible to bring us back into compliance.

Section 5.18 of the Local Government Act 1995 also requires a local government to keep a register of the delegations made to any Committees of Council and review the delegations at least once every financial year. While Council has two committees, it has not delegated any of its powers or function to those committees.

#### Comment

Rather than trying to go through current delegations and make amendments, the approach which has been taken is to write a complete new set of delegations based on the Local Government Guidelines and in keeping with a number of other Shire Councils of similar size and regional demography. The officer recommendation therefore includes a resolution to revoke previous delegations.

The delegation register attached as ([Appendix1](#)) was presented to the workshop for Councillors on May 1<sup>st</sup> as draft 4. Only a very few minor adjustments have been made in keeping with discussions on that day except to add delegation 15.6- Acquisition and Disposal of Land- this delegation was formerly a policy of Council.

Once these new delegations are adopted by Council, an instrument of delegation has to be made and signed by the Shire President and the relevant officer. In the case of the CEO where a sub-delegation is made, an instrument of each delegation has to be made and signed by the CEO and the relevant officer.

A delegation of a Council power or duty under section 5.42 of the Local Government Act 1995 can only be made to the CEO.

Section 5.43 of the Local Government Act sets limits of any delegation to the CEO. All of the delegations recommended in Appendix 1 are in keeping with those limits.

The recommended delegations also include delegations under other Acts including the Building Act, Bushfires Act 1954, the Dog Act 1976, the Food Act 2008, the Health Act 1911 and the Planning and Development Act 2005.

**NB:** At the time of preparing the agenda, we have been waiting on our EHO/Building Consultant Bill Atyeo to make sure that ‘10.1 Control of Building Matters’ is in keeping with the Building Act. We will confirm this delegation at the meeting.



### 11.4.4 Nomination of Cr Percy Lawson to the Shire of Yalgoo Audit Committee

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	24 April 2014
Attachments	Nil

#### Matter for Consideration

To consider appointing newly elected Councillor Percy Lawson to the Shire of Yalgoo Audit Committee to fill the vacancy left by former Councillor Terry Iturbide.

#### Background

The Shire of Yalgoo audit committee was established by resolution of Council following the 2011 general election in accordance with s7.14A of the Act. The members of the audit committee are currently Crs N Grinham, Valenzuela, R Grinham, S Willock and A Fawkes (by resolution C2014-0110).

Council has historically elected all six councillors to the audit committee. Members of the audit committee must be elected by the Council (not the audit committee), by absolute majority. The term of the membership is until the next general election of Council.

#### Statutory Environment

*Local Government Act 1995*

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

*\* Absolute majority required.*

#### Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

#### Consultation

NA

### **Comment**

In accordance with historical precedence, it is recommended that Council elects newly elected Councillor Percy Lawson to the Shire of Yalgoo Audit Committee.

### **Voting Requirements**

Absolute Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2014-0505    Audit Committee Membership – Cr Percy Lawson**

**That Council appoints newly elected Councillor Percy Lawson to the Audit Committee and that the term of office be until the next ordinary election in October 2015.**

**Moved: Cr SK Willock    Seconded: Cr AB Fawkes    Motion put and carried by absolute majority 5/0**



### 11.4.5 Temporary Closure Mt Gibson Road

File:	ADM 511
Author:	Bruce Walker, A/CEO
Interest Declared:	No interest to disclose
Date:	9 <sup>th</sup> May 2014
Attachments	Nil

#### Purpose

*For Council to resolve to temporarily close the Mt Gibson Road for a period exceeding 28 days.*

#### Background

Mt Gibson Iron have been negotiating with this Shire for some time now for permission to use the first 10km of the Mt Gibson Road for access to the Northern Highway in order to transport their ore to Geraldton. Once on to the Highway they are still looking at options to go to port and may need further agreement/s for other of our Shire roads.

For now they require agreement to upgrade and maintain the Mt Gibson Road. To enable the upgrade, we need to close the road for a period exceeding 28 days.

Section 3.50(1) of the Local Government Act provides that a local government may close its roads either partially or wholly for a period not exceeding 4 weeks. Section 3.50(1a) further provides that a local government may order the closure to the passage of vehicles for a period exceeding 4 weeks by giving local public notice. The order may limit the closure to any class of vehicle and may make exceptions. The local public notice should also invite submissions from any person who wishes to make a submission in regard to the closure. A copy of the notice is to be given to the Commissioner for Main Roads. Notice should also be given to any occupiers of land that may lose their access.

The road was closed temporarily initially on April 8<sup>th</sup> to all but local area traffic.

#### Comment

There are two occupiers of land on the Mt Gibson Rd; Top Iron Pty Ltd and the Australian Wildlife Conservancy. It was not intended to deny either party access along the road. However, both were given a copy of the notice of intent to close the road for more than 4 weeks from May 8<sup>th</sup> as was the Commissioner for Main Roads. The formal notice inviting submissions was published in the West Australian on Wednesday April 16<sup>th</sup> with the closing date for submissions on May 1<sup>st</sup>.

No submissions were received.

The Main Roads have given consent to the closure.

Council may now resolve to formally close the road temporarily until the upgrade has been completed.

#### Statutory Environment

*Local Government Act 1995 Section 350*

Local Government (Functions and General) Regulations 1996

#### Consultation

Top Iron Pty Ltd

Australian Wildlife Conservancy

Main Roads Western Australia

## **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

#### **C2014-0506    Temporary Closure of Mt Gibson Road**

**That Council resolves to temporarily close the Mt Gibson Road to all traffic, with the exception of local area traffic for local occupiers along the road, for a period exceeding 28 days beginning on May 8. The purpose of the closure is to enable the upgrade of the Mt Gibson Road to enable RAV 10 Access and therefore the road should remain closed until such upgrade is complete.**

**Moved: Cr PJ Lawson**

**Seconded: Cr RW Grinham**

**Motion put and carried 5/0**

*ATTENDANCE:        11:45am EA Karen Malloch left the meeting.*

## 12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

### 12.0 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 [www.auslii.edu.au](http://www.auslii.edu.au) on 8 November 2010.

#### Local Government Act 1995

##### 5.23. Meetings generally open to the 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.

## **12.1 Consideration of a matter (detail) 5.23 (2) (c)**

### **11.4.6 Top Iron Pty Ltd- RAV Access Mt Gibson Road**

#### **Motion to Close the Meeting to the Public**

Voting Requirements - Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

##### **C2014-0507 Close Meeting to the Public**

**That the meeting be closed to the public to discuss (detail) (LGA s. 5.23 (2) (c)).**

**Moved: Cr SK Willock**

**Seconded: Cr PJ Lawson**

**Motion put and carried 5/0**

The meeting was closed to the public at 11:45am.

Remaining in the meeting:

- Cr NA Grinham
- Cr RW Grinham
- Cr SK Willock
- Cr AB Fawkes
- Cr PJ Lawson
- EMC Heather Boyd

#### 11.4.6 Top Iron Pty Ltd- RAV Access Mt Gibson Road

File:	ADM511
Author:	B.G.Walker A/CEO
Interest Declared:	No interest to disclose
Date:	11 <sup>th</sup> May 2014
Attachments	<b>Confidential-</b> RAV Access Agreement <b>[NB: Attachments Not for Public Agenda]</b>

#### Purpose

For Council to consider the Draft Access Agreement [marked 'Confidential'] and to provide the CEO with the authority to negotiate amendments and enter into an Agreement with Top Iron Pty for the Upgrade and Maintenance of the Mt Gibson Road.

**It is recommended that the agreement discussion be held once the meeting is closed to the public as Top Iron are in competition with other miners and their route to Geraldton is still considered sensitive.**

#### Background

This Shire has been negotiating with Top Iron Pty Ltd for sometime now for agreement for them to use the first 10km of the Mt Gibson Road as access onto the Northern Highway for their RAV 10 class trucks. In order for this to happen, the road has to be upgraded to allow RAV 10 access for the vehicles carting the ore. The RAV classification for the road is determined by Main Roads WA and they have to be satisfied with the design and as constructed pavement. As the road is a Shire Road we also have to be satisfied with the design and give permission to the upgrade of the road. Once the upgrade is complete, the road still remains open to all traffic and any other RAV class vehicles will need to either obtain a CA07 permit for general freight or a RAV access agreement in the case of other miners.

Some agreement is also necessary for the ongoing maintenance of the road. This could be either our role or we may enter into an agreement with Top Iron making it their responsibility to maintain the road. If the latter is the case, then any agreement should contain a clause to provide a contribution to the cost of maintenance by any subsequent mining companies that wish to cart ore over that section.

We have also been asking mining companies which require a RAV access agreement, to provide a community benefit grant to be used for the wider community. The agreement with Top Iron provides for a representative from the Shire, a Top Iron representative, and a community member to be on an advisory group to Council as to how the benefit is spent. In discussion with Top Iron thus far, Paynes Find has been highlighted for community benefit spending.

#### Comment

The attached agreement has been discussed with Top Iron and a number of changes have been made. There are still a couple of matters which are being discussed. These will be discussed at the meeting once closed to the public. It is hoped that an updated draft is available for the meeting. In the meantime, copies have been sent to MRWA, Greenfields and to Civic Legal for comment on the various aspects.

The draft is in fact very similar to the Mt Gibson Iron Agreement on the Wanarra Road. While this agreement has proven to be a very good agreement, there are some recent events which highlight the need to consider such matters as other users of the same road on which an agreement exists. The Yalgoo-Ningham Road for example essentially had the one MOU for many years, but now there are potentially several users.

We also needed to revisit matters such as road condition at the end of any agreement and to tighten the maintenance clauses to make sure that all users have a road in good condition.

The last 10 km of the Mt Gibson Road is access to the Australian Wildlife Conservancy. They have been most co-operative in the upgrade talks. The timing of the upgrade and road closure to enable such upgrade in fact fits in nicely with their preparation of the conservancy for tourist activity. Maintenance grading of that last 10km will be a community benefit by Top Iron.

**Statutory Environment**

*Local Government Act 1995*

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

**Consultation**

Top Iron Pty Ltd  
 Australian Wildlife Conservancy  
 Greenfields  
 Main Roads WA  
 Lands Department

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2014-0508    Top Iron Pty Ltd RAV Access Agreement -Mt Gibson Road**

**That Council give the CEO authority to further negotiate with Top Iron Pty and enter into a RAV Access Agreement on behalf of this Shire with Top Iron Pty Ltd for the Upgrade and Maintenance of the first 10 km of the Mt Gibson Road.**

**Moved: Cr RW Grinham                      Seconded: Cr SK Willock                      Motion put and carried 5/0**

**Motion to Open the Meeting to the Public**

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Open Meeting to the Public**

**That the meeting be re-opened to the public.**

**Moved: Cr RW Grinham                      Seconded: Cr AB Fawkes                      Motion put and carried 5/0**

The meeting was reopened to the public at 12:00pm.

**ADJOURNMENT:**

*The meeting adjourned for lunch at 12:03pm.*

**RESUMPTION:**

The meeting resumed at 1:23pm.

In attendance were:

- Cr NA Grinham
- Cr RW Grinham
- Cr SK Willock
- Cr AB Fawkes
- Cr PJ Lawson
- EMC Heather Boyd



**11.4.7 Financial Activity Statements and Accounts Paid for the Months of March and April 2014.**

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	7 May 2014
Attachments (White)	P1 Financial Activity Statements March 2014 - R34 (1) P28 Schedule of Payments March 2014- R13(1) P64 Financial Activity Statements April 2014 - R34 (1) P66 Major Project Progress Reports - C2012-0320 <ul style="list-style-type: none"> <li>• BD008 Staff Housing: Weekes St</li> <li>• CA002: Caravan Park: Major Upgrade</li> </ul> P117 Schedule of Payments April 2014- R13(1)

**Matter for Consideration**

Adoption of the monthly financial statements, major project progress report and schedule of payments.

**Background**

1. The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed and require the Chief Executive Officer to prepare a list of accounts paid.
2. Council, at the ordinary meeting held in March 2012, requested that a status report for major projects be included in the monthly financial reports (decision C2012-0320). Where relevant this additional report is included in the attachments for the information of council.

**Statutory Environment**

*Local Government Act 1995*

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

*Local Government (Financial Management) Regulations 1996*

Reg 13(1)—Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.



## 13. NOTICE OF MOTIONS

### 13.1 PREVIOUS NOTICE RECEIVED

## 14. URGENT BUSINESS

## 15. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

### 15.0 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 [www.auslii.edu.au](http://www.auslii.edu.au) on 8 November 2010.

#### Local Government Act 1995

##### 5.23. Meetings generally open to the 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.

## 15.1 Consideration of a matter (detail) 5.23 (2) (a)

### Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

#### OFFICER RECOMMENDATION

**C2014-0511**     Close Meeting to the Public

That the meeting be closed to the public to discuss (detail) (LGA s. 5.23 (2) (a)).

Moved: Cr AB Fawkes

Seconded: Cr RW Grinham

Motion put and carried 5/0

The meeting was closed to the public at 1:24pm.

Remaining in the meeting were:

- Cr PJ Lawson
- Cr NA Grinham
- Cr RW Grinham
- Cr SK Willock
- Cr AB Fawkes

### Motion to Open the Meeting to the Public

#### Voting Requirements

Simple Majority

#### OFFICER RECOMMENDATION

**C2014-0512**     Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr RW Grinham

Seconded: Cr AB Fawkes

Motion put and carried 5/0

The meeting was reopened to the public at 2:00pm.

#### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2014-0513**     Appointment of Full Time CEO

That Council engage WALGA to offer the position of full time CEO to the recently interviewed applicant.

Moved: Cr SK Willock

Seconded: Cr PJ Lawson

Motion put and carried 5/0

## 16. REPORTS

### 16.0 Executive Manager Works & Infrastructure - May Council Report

File:	
Author:	Silvio Brenzi, EMWI
Interest Declared:	No interest to disclose
Date:	13 <sup>th</sup> May 2014
Attachments	Plant and Equipment Budget

#### Matter for Consideration:

Receive Monthly Works & Infrastructure Reports and Schedules.

#### Items:

#### 1/. Road Construction

Yalgoo-Morawa Rd

1. Formation is complete to entire site
2. Gravel Sheeting is underway currently, some delays with wet weather.
3. Expected road construction phase to be completed this financial year.
4. Funding items are listed within the Finance Report.

Yalgoo-Ningham Rd

- 1 Culvert extensions complete
- 2 Controlled floodway construction underway
- 3 Gravel sourced and being stockpiled
- 4 Cartage of sheeting material and rock stabilisers underway

#### 2/. Road Maintenance – Light Grading Works:

Completed roads are:

- 1 Yalgoo-Ningham Rd after weather event complete, with follow up work including drains.
- 2 Partial sections of Thundelarra Rd

Access Roads/Airstrips:

Paynes Find Air-strip to be graded after weather event.

#### 3/. Other Infrastructure Maintenance:

Flood damage inspection by Main Roads is booked for the week starting the 12/05/14. This will determine the set costs for road repairs on all damaged sections to be funded by WANDRA.

#### 4/. Plant & Equipment:

- 1 Two light vehicles replaced as per budget: Maintenance utility and EMWI vehicle. This completes all light vehicles this financial year.

- 2 Forklift has been ordered. ‘United Forklifts’ with the successful quotation will supply a 2.5t CAT and trade the TCM existing vehicle. Change over is within budgeted amount.
- 3 Other budget items outstanding are being assessed and quoted for 13/14 completion, (ref: adopt budget 13/14). Funding items are listed within the Finance Report.

**5/. Parks and Reserves:**

- 1 Water sampling and soil has been received with recommendations. Water is suitable for turf growth of salt tolerant species such as Saltene. Modifying soil profiles will enhance growth patterns and a small area will be trialled to determine effectiveness prior to any decisions being made.
- 2 Street trees cleared by Horizon Power.

**6/. Infrastructure – Capital:**

- 1 Weekes St Housing – funding confirmed. Some remedial works to carpentry being quoted along with the next building stages of plasterboard, kitchen, plumbing and electrical fit out. Completion of external construction phases being quoted.
- 2 Caravan Park Upgrade – (ref: finance Report).
- 3 Final works progressing including chalet floor coverings, furniture, sewer and water systems complete.
- 3 External concrete works required to complete ablution area.
- 5 Floor waste levels have been assessed and will require screen doors to standard areas and custom floor ramp to disabled block. Indicative prices are 75% less than reworks.
- 6 War Memorial Project complete.

**7/. Infrastructure - Maintenance**

- 1 Yalgoo Waste - works to consolidate dumping areas to enhance Veolia skip bins to commence after Yalgoo – Morawa capital work completion.
- 2 Paynes Find Waste – additional landfill disposal area extended and works complete.

**17. NEXT MEETING**

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 19 June 2014 commencing at 11.00 am.

**18. MEETING CLOSURE**

There being no further business, Shire President Neil Grinham declared the meeting closed at 2:20pm.

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

## Common Acronyms

Acronym	Detail
AA	Administration Assistant
ACEA	Admin Coordinator Executive Assistant
AFAC	Australasian Fire Authorities Council
AGDRP	Australian Government Disaster Recovery Payment
AGM	Annual General Meeting
AIIMS	Australasian Inter-Service Incident Management System
AMMS	Accredited Mass Management Scheme
ASKAP	Australian Square Kilometre Array Pathfinder
ATU	Aerobic Transfer Unit
BA	Broadcast Australia
BCA	Building Code Australia
BCITF	Building and Construction Industry Training Fund
BFS	Bush Fire Service
BFTA	Bush Fire Threat Analysis
CALD	Culturally and Linguistically Diverse
CANWA	Community Arts Network of WA
CAR	Compliance Audit Report
CCYP	Commissioner for Children & Young People
CDC	Certificate of Design Compliance
CEMO	Community Emergency Management Officer
CEO	Chief Executive Officer
CERM	Community Emergency Risk Management
CLGF	Country Local Government Fund (Royalties for Regions)
CPTDM	Caravan Park & Tourism Development Manager
CRC	Community Resource Centre
CRS	Coordinator Regional Services
CSRFF	Community Sporting and Recreation Facilities Fund
Das	Development Applications
DAFWA	Department of Agriculture & Food
DAIP	Disability & Access Inclusion Plan
DAP	Development Assessment Panel
DCA	Department for Culture and the Arts
DCD	Department for Communities
DCEO	Deputy Chief Executive Officer
DCP	Department of Child Protection
DEMC	District Emergency Management Committee
DET	Department of Education
DFES	Department of Fire & Emergency Services - formerly FESA
DHW	Department of Housing
DIA	Department of Indigenous Affairs
DISCEX	Discussion Exercise
DITRDLG	Department of Infrastructure, Transport, Local Government (Federal)
DLAG	Drug & Liquor Action Group
DLGC	Department of Local Government & Communities
DoHA	Department of Health & Ageing
DoL	Department of Lands
DON	Director of Nursing



<b>Acronym</b>	<b>Detail</b>
DRD	Department of Regional Development
DoT	Department of Transport
DoW	Department of Water
DPAW	Department of Parks and Wildlife (previously CALM & DEC)
DPI	Department for Planning and Infrastructure
DSR	Department of Sport & Recreation
DTWD	Department of Training & Workforce Development
EA	Executive Assistant
EC	Events Corp
ECC	Emergency Coordination Centre
EMC	Executive Manager Corporate
EMWA	Emergency Management Western Australia
EMWI	Executive Manager Works & Infrastructure
ERM	Emergency Risk management
EWP	Elevated Work Platform
FaHCSIA	Families, Housing, Community Services & Indigenous Affairs
FAG	Financial Assistance Grant
FAO	Finance & Admin Officer
FCWP	Forward Capital Works Plan
FHRO	Finance & HR Officer
FRS	Fire and Rescue Service
GPG	General Purpose Grant
GRAMS	Geraldton Regional Aboriginal Medical Service
GTS	Greenfield Technical Services – consulting civil engineers
GRV	Gross Rental Value
HCP	Healthy Community Program
HMA	Hazard Management Agency
HSM	Health Services Manager
IAP	Incident Action Plan
ICC	Indigenous Coordination Centre
ICPAWA Inc	Isolated Children’s Parents’ Association of WA
ICV	Indigenous Community Volunteers
ILRG	Identified Local Road Grant
ILUA	Indigenous Land Use Agreement
IMG	Incident Management Group
IMT	Incident Management Team
IPWEA	Institute of Public Works/Engineering WA
ISA	Integrated Service Arrangement – replacing MRWA TNCs in 2011 or 2012
ISG	Incident Support Group
LAA	Land Administration Act 1997 (WA)
LC	Landcorp
LCD	Land Conservation District
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LGAP	Local Government Assistance Program
LGEEP	Local Government Energy Efficiency Program
LGGC	Local Government Grants Commission
LGMA	Local Government Managers’ Association
LMDRF	Lord Mayor’s Distress Relief Fund
LRC	Local Recovery Coordinator

<b>Acronym</b>	<b>Detail</b>
LRCG	Local Recovery Coordinating Group
LWA	Lotteries West
MCZ	Murchison Country Zone
MEEDAC	Midwest Employment and Economic Development Aboriginal Corporation
MEG	Murchison Executive Group (CEOs)
MEITA	Morawa Education, Industry and Training Alliance
MGM	Mount Gibson Mining (Extension Hill Haematite)
MMG	Minerals and Mining Group (Golden Grove Mine)
MMGHSRMG	Murchison Mid West Gascoyne Human Services Regional Managers Group
MOU	Memorandum of Understanding
MRBA	Meekatharra Rangelands Biosecurity Association
MRVC	Murchison Regional Vermin Council
MRWA	Main Roads WA
MSC	Model Subdivision Conditions Schedule
MWAC	Municipal Waste Advisory Council
MWDC	Mid West Development Commission
MWGAAS	Mid West Group of Affiliated Agricultural Societies
MWIP	Mid West Investment Plan
MWIRSA	Mid West Industry Road Safety Alliance
MWLGEMN	Mid West Local Government Emergency Management Network
MWRC	Mid West Regional Council – consisting of 7 Shires
NTA	Native Title Act 1993 (Cth)
NBN	National Broadband Network
NDES	National Digital Economy Strategy
NDCSG	Northern Districts Community Support Group
NRIS	National Register Inquiry System
OASG	Operations Area Management Group
OCM	Ordinary Council Meeting
OMI	Office of Multicultural Interests
OPR	Oakajee Port and Rail
PE	Project Executive
PGA	Pastoralists and Graziers Association
PIA	Post Incidence Analysis
PLB	Pastoral Lands Board
PMS	Pastoral/Photographic Monitoring Sites
POC	Plant Operating Costs
PSA	Public Service Authority
PSG	Project Steering Committee
PWOC	Public Works Overhead Costs
R-Codes	Residential Design Codes
R2R	Roads to Recovery (Commonwealth)
R4R	Royalties for Regions (State)
RAV	Restricted Access Vehicle
RCM	Rangeland Condition Monitoring – a self monitoring system to be implemented 2015
RDA	Regional Development Australia
RDAF	Regional Development Australia Fund
RDAMWG	Regional Development Australia Mid West Grants
REVISE	Retired Educator Volunteers for Isolated Students Education
RFT	Request for Tender
RGS	Regional Grant Scheme

<b>Acronym</b>	<b>Detail</b>
RLCIP	Regional and Local Community Infrastructure Program
RRG	Regional Roads Group
RRWA	Remote and Regional Western Australia
RSPCA	Royal Society for the Prevention of Cruelty to Animals
ROMAN	Road Management – software system
SAO	Senior Administration Officer
SAT	State Administrative Tribunal (Salaries & Allowances)
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SEMP	State Emergency Management Policy
SES	State Emergency Service
SEWS	Standard Emergency Warning Signal
SIDE	Schools In Distance Education
SLICP	<i>State Land Information Capture Program</i>
SLK	Straight line kilometres
SMUG	Shires of Murchison & Upper Gascoyne
SOP	Standard Operating Procedure
SOTA	Schools Of The Air
SoY	Shire of Yalgoo
SWMP	(Regional) Strategic Waste Management Plan
STED	Septic Tank Effluent Disposal System
TNC	Term Network Contract – from MRWA for State roads maintenance
TQUAL	Tourism Quality Projects
TIRF	Tourism Infrastructure Regional Development Fund
TWA	Tourism WA
UV	Unimproved Value
VAST	Viewer Access Satellite Television
VESTOC	Volunteer Emergency Services Training & Operations Centre
VET	Vocation, Education & Training
VPD	Vehicles per day
VPN	Virtual Private Network
WAAA	West Australian Agriculture Authority
WACHS	WA Country Health Service
WACRN	Western Australian Community Resource Network
WARDT	Western Australian Regional Development Trust
WAEC	West Australian Electoral Commission
WAERN	West Australian Emergency Response Network
WALGA	WA Local Government Association
WALGEMAG	Western Australian Local Government Emergency Management Advisory Group
WALGGC	West Australian Local Government Grants Commission
WANDRRA	West Australian Natural Disaster Relief and Recovery Arrangements
WAPC	Western Australian Planning Commission
WARDT	Western Australian Regional Development Trust
WARMS	Western Australian Rangeland Monitoring System – regional rangelands information
WPA	Wool Producers Australia
WWTP	Waste Water Treatment Plan
YPS	Yalgoo Primary School