



AGENDA

FOR THE SPECIAL MEETING

OF COUNCIL

TO BE HELD ON

Tuesday 10 June 2014

AT 3.00 pm

SHIRE OF YALGOO

NOTICE OF SPECIAL COUNCIL MEETING

A SPECIAL MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS ON TUESDAY
10 JUNE 2014 COMMENCING AT 3.00pm.

Purpose of Meeting –

- 1/. Consideration of matters affecting employees 5.23 (2) (a)

N Grinham
President, Yalgoo Shire Council

4 June 2014

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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 19 June 2014, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF
ABSENCE

APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

Date	Details	Attended with whom

7.2 COUNCILLORS

Date	Details	Councillors

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 (eg: matters affecting employee/s or the personal affairs of any person).

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 WORKS AND SERVICES

11.1.1 Executive Manager Works & Infrastructure - June Council Information Report

File:	
Author:	Silvio Brenzi, EMWI
Interest Declared:	No interest to disclose
Date:	11/06/ 2014
Attachments	Nil

Items:

1/. Road Construction

Yalgoo-Morawa Rd

- a. Road construction complete
- b. Final trimming of table drains being finalised
- c. Signage and posting to be completed this financial year
- d. Final claim (20%) on sealed section claimed
- e. Second 40% claim on current section submitted

Yalgoo-Ninghan Rd

- a. Culvert extensions complete
- b. Controlled floodway construction completed on 12 sections including cement stabilising
- c. Gravel sheeting underway to be completed by 25th June
- d. Signage and posting has been ordered and installation to complete project by 30th June
- e. RRG 2nd claim of 40% has been submitted.

2/. Road Maintenance – Light Grading Works:

- a. Completed roads are:
 - 1. Burnerbinmah Rd
 - 2. Thundelarra Rd sections
 - 3. Maranalgo Rd (contractor)
- b. Access Roads/Airstrips:
 - 1. Paynes Find Air-strip

3/. Other Infrastructure Maintenance:

- a. Flood damage inspection by Main Roads and Greenfields completed on 12&13th June. This will determine the set costs for road repairs on all damaged sections to be funded by WANDRA.
- b. The listed Roads are: Gabyon/Pindathuna, Maranalgo, Burnerbinmah, Thundelara, North, Ninghan, Woolshed/Badja, Melangata, Dalgaranga, Yalgoo/Ninghan sealed section shoulders and Yalgoo/Morawa flood ways.

4/. Plant & Equipment:

- a. Forklift has been collected and trade in disposed to 'United Forklifts'.
- b. Two HDG trailers delivered to replace advertised existing equipment.
- c. Remaining items are air compressor to be delivered and sundry items. Funding items are listed within the Finance Report.

5/. Parks and Reserves:

- a. Weed spraying in town/verges underway.
- b. Staff have cleaned and organized storage shed at the Depot.

6/. Infrastructure – Capital:

Caravan Park project has pathways and landscaping to be completed (d)

- a. Final works progressing including chalet floor coverings, furniture, sewer and water systems complete.
- b. External concrete works required to complete ablution area.
- c. Glass shower screen doors have been fitted to address drainage issues. The disabled unit has a custom S/S floor ramp installed.

7/. Infrastructure - Maintenance

- a. Yalgoo Waste - works to consolidate dumping areas to enhance Veolia skip bins to commence after Yalgoo – Morawa capital work completion. Ongoing.

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the Month of May 2014.

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	09 June 2014
Attachments	p Financial Activity Statements - R34 (1)
(White)	p Schedule of Payments - 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.

11.3.2 Write off Bad Debt (Rates)

File:	A1652
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	5 June 2014
Attachments (yellow)	Nil

Matter for Consideration

That Council consider writing off of unrecoverable rates, associated interest and legal costs.

Background

An exploration lease was taken out in July 2011 for 5 years and rates were charged against the property. The lease was surrendered in January 2013. When the rates were not paid on time information was given to the Shire debt collectors to recover all outstanding debts. In December 2013 a payment was received from the debt collector for the rates outstanding, however in that time legal fees and interest charges had also been applied. It is unlikely that these charges will be able to be recovered through any further debt collection action. As the property was on an exploration licence the outstanding amount is not be able to be recovered through the sale of the property.

Statutory Environment

Local Government Act 1995

- S.6.12. Power to defer, grant discounts, waive or write off debts
- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,
- which is owed to the local government.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

The proposed debt write off of \$615.88 will reduce Net Operating Results and also reduce Receivables – Other to better reflect Councils recoverable debts.

Consultation

- Finance and Human Resource Officer, Cheryl Walton
- Austral Mercantile, Debt Collectors

11.3.3 Disposal of Assets

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	9 June 2014
Attachments (yellow)	Nil

Matter for Consideration

For Council to approve the disposal of four assets being:

Accommodation Dongas

Ablution Donga

Trailer 1

Trailer 2

Background

An advertisement was placed in the Yalgoo Bulldust on 5 June 2014 requesting expressions of interest with regard to the Shire disposal of 4 assets. These assets are the accommodation and ablution dongas previously situated at the caravan park and two trailers from the depot.

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.

Business Implications

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

Consultation

A/CEO Silvio Brenzi

Comment

Accommodation/Ablution Dongas

As part of the caravan park redevelopment 6 short term accommodation units and new ablutions were constructed of rammed earth. This made the existing 6 room donga and ablution donga surplus to requirements. As the items are not required for other projects within the Shire approval is sought from

Council to dispose of the assets. The current condition of the assets is extremely low and provide no further use to Council or for public use.

Trailers 1 & 2

There was an allowance made in the 2013/14 Shire Budget for the purchase of two new trailers. These trailers are due to arrive in June 2014 and the two old Shire trailers will no longer be required. The consideration offered from the expressions of interest will be presented to Council on the day of the Council meeting.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Disposal of Assets

That Council approves the disposal of the ablution donga, 6 room donga and two trailers as items that are surplus to requirements.

Moved:

Seconded:

Motion put and carried/lost

11.3.4 Budget Amendment 13/14 Weekes St Housing

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	
Attachments (yellow)	Nil

Matter for Consideration

That considers a reallocation of the budget for 2013/14 for the Weekes St houses.

Background

The budget for 2013/14 included expenditure on two new houses to be built in Weekes St, Yalgoo. These houses were to be funded from CLGF and MWIP grants. All of the budget was applied to one General Ledger code. To assist with the grant reporting and acquittals the expenditure has been allocated to different General Ledger codes where expenditure relates to the income. This is an administrative item only and there is no change in expenditure or budget.

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.

Business Implications

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

Consultation

Silvio Brenzi A/CEO

UHY Haines Norton

Comment

74 and 75 Weekes St Staff Housing			
2011/12	GL	Funding	Actual Expense
74 Weekes St	C120201	CLGF 10-11	42,327.00
2012/13			
Property	GL	Funding	Actual Expense
74 Weekes St	C130218	CLGF 11-12	43,383.71
75 Weekes St	C130219	CLGF 11-12	30,479.20
74 Weekes St	C130214	CLGF 10-11	52,527.12
2013/14	GL	Funding	Actual Expense
74 Weekes St	C140202	CLGF 11-12	182,448.00
75 Weekes St	C140203	CLGF 11-12	12,700.00
74 Weekes St	C140223	MWIP	12,985.00
75 Weekes St	C140224	MWIP	368.00
Total Expenditure 11/6/14			
74 Weekes St			333,670.83
75 Weekes St			43,547.20
			377,218.03
			Funding as per agreements
Income			
CLGF 11-12			267,307.00
CLGF 10-11			82,693.00
MWIP			360,000.00
			710,000.00

All Expenditure for the Weekes St housing project in 2013/14 was budgeted against GL C140202. To assist with grant funding requirements and reporting purposes it is preferable that the expenditure is allocated to each of the GL codes that relate to that funding agreement. For this reason a budget amendment is required to transfer budgeted expenditure as follows:

		Decrease Expense	Increase Expense
74 Weekes St	C140203	373,000.00	
75 Weekes St	C140204		13,000.00
74 Weekes St	C140223		30,000.00
75 Weekes St	C140224		330,000.00

This budget reallocation is an administration item and is for the purposes of reporting against the grant only. There will have no affect on the project or the money allocated to the project.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Budget Amendment

That Council approves the following amendment to the 2013/14 budget:

		Decrease Expense	Increase Expense
74 Weekes St	C140203	373,000.00	
75 Weekes St	C140204		13,000.00
74 Weekes St	C140223		30,000.00
75 Weekes St	C140224		330,000.00

Moved:

Seconded:

Motion put and carried/lost

11.3.5 Draft 2014/15 Budget Staff Housing

File:	
Author:	Silvio Brenzi, A/CEO
Interest Declared:	No interest to disclose
Date:	
Attachments	Nil

Matter for Consideration

That Council review the requirements for Shire staff housing.

Background

Staff housing within the town site is an essential part of the Shires ability to carry out its functions effectively.

There are currently 2 vacant positions within the outside workforce unfilled due to the lack of housing availability. There are no options to house staff members in town presently. Additional houses or units would need to be built by the Shire to cater for current needs and for those into the mid-term future.

Rental subsidies are currently being paid to one staff member whom lives in a non-shire house. This arrangement is not only cost ineffective, but leaves the Shire open to further unplanned house shortages when this staff member ends his employment with the Shire.

Another staff member is currently housed in a small very deteriorated and old home in Selwyn St. The EMC will relocate temporarily to 6 Henty St to allow the new CEO to occupy 48 Gibbons St. EMC would then relocate to the grant funded home at 75 Weekes St to allow for the sale of 30 Selwyn St and relocation of the current residents to 6 Henty St. EMWI will relocate to 74 Weekes St on completion of that house allowing for a plant operator position to be housed at 16 Shamrock St.

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.

Business Implications

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

Consultation

Cr Neil Grinham, Shire President
Cr M Raul Valenzuela, Deputy Shire President
Cr Stanley K Willock
Cr Adam Fawkes
Cr Percy Lawson
Cr Robert Grinham
Heather Boyd, EMC

Comment

Funds will need to be allocated to build the following:

2x homes for plant operator vacancies
1x home for plant operator currently in an externally owned property
These homes could be units in some instances but would also need to include either a 3 or four bedroom home also.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Allocate Funds Including Loan Funds in 14/15 Budget for Additional Housing.

That Council apply for funds in the 14/15 budget through a \$400,000.00 loan and allocate an additional \$100,000.00 from the remaining (building reserve allocation) renovation cost savings at 30 Selwyn St with the \$500,000 to be used to build 3 homes or units on Council owned land in the Shire of Yalgoo for staff accommodation.

Moved: **Seconded:** **Motion put and carried/lost**

11.3.6 Budget Amendment Road Repairs

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	
Attachments (yellow)	Nil

Matter for Consideration

For Council to approve the amendment to the 2013/14 budget recognising income received from a mining contribution which offsets expenditure on the Yalgoo-Ningham Rd

Background

A mining company made an unbudgeted contribution to urgent work done on the Yalgoo-Ningham that was required due to damage by trucks from the mine.

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.

Business Implications

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

Consultation

Silvio Brenzi

Comment

A general ledger code I121045 – Contribution to Road Maintenance – Mining was created for the receipt of \$126,000 which was to offset expenditure against capital works to the Yalgoo-Ningham Road which was processed against general ledger C140367.

11.3.7 Draft Budget Reserves

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	11 June 2014
Attachments (yellow)	Nil

Matter for Consideration

That \$50,000 from the building reserves is to be allocated to the Weekes St housing project and that \$100,000 from the building reserve is to be set aside to assist with the purchase of additional staff houses in 2014/15.

Background

In November 2012 the Council resolved C12012-1109 to set aside \$150,000 in funding to renovate and upgrade the Shire house at 30 Selwyn St. The refurbishment would have included a new extension to be built from rammed earth and remodelling of the existing house to make it liveable. In November 2013 it was estimated that the cost of the renovations would be at least \$213,000.

Indicative quotes from modular home developers in Western Australia have indicated that a modular home delivered and connected on-site would cost a similar figure to the renovations. By using a modular home builder the house would then be guaranteed for a period of 20 years. There are a number of vacant lots within the Yalgoo town ship owned by the Shire where a modular home could be located.

The Weekes St Project unfinished and still requires significant works to complete the project. \$50,000 would be required as a minimum amount to complete and have ready for habitation and use.

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.

Business Implications

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

11.4 ADMINISTRATION

11.4.1 Staffing at Yalgoo Nursing Post and Access to HACC Bus

File:	
Author:	Pip Parsonson, Community and Youth Development Coordinator
Interest Declared:	No interest to disclose
Date:	10 June 2014
Attachments (yellow)	Nil

Matter for Consideration

To consider lobbying the WA Country Health Service (WACHS) to:

1. Reinstitute a full-time nurse to be stationed at the Yalgoo Nursing Post.
2. Gain improved access to the HACC bus for transport services for HACC target clients living in Yalgoo.

Background

1. Early in 2014 the incumbent nurse stationed at the Yalgoo Nursing Post, who had been working as a 1.0 FTE and living full-time in Yalgoo relocated with her family from Yalgoo to Geraldton. The nurse negotiated with her employer, WA Country Health Service (WACHS) to have her position in Yalgoo altered to a 0.5 FTE operating on a one week on – one week off basis.

Since that time there has been considerable discussion within the Yalgoo population that this limited amount of qualified nursing service presence in Yalgoo is insufficient.

Although the reduction in ‘worked hours’ during normal business hours is 50%, the reduction in availability of a nurse outside normal working hours, in the event of an emergency, is substantial. Based on the knowledge that currently the incumbent nurse is generally only residing in Yalgoo overnight, three nights a fortnight and not at all on weekends, it is estimated that there is a drop in on-call, out of hours availability of approximately 80%.

Although it is clear that the incumbent nurse is broadly well liked and highly appreciated within the community, it is also felt by most (anecdotally) that the lack of ‘24/7’ nursing service availability is unacceptable.

It must be clearly noted here that there is no, and has not previously been any, ‘on-call’ guarantee of nursing services in Yalgoo outside of normal working hours, at least in the last 3.5 years. The incumbent nurse’s previous capacity and willingness to attend to people outside of work hours was purely of her own volition and goodwill.

2. A WACHS managed bus, funded by HACC¹, sits at the Nursing Post largely unused due to a lack of HACC staff servicing Yalgoo. Recently an ‘Elders Health Day’ was run in Mount Magnet and Yalgoo based elders were invited to attend. The issue of how to transport our seniors was vexed by apparently cumbersome approval processes for use of the bus. In the end, Terry Iturbide transported our elders in her own vehicle and at her own cost. This was not because approval was not given, but rather because approval was never sought because of the perceived difficulty in gaining approval to use the bus coupled with a short time-frame.

(HACC is a combined Federal/State government funded program that provides services that support older people to stay at home and be more independent in the community)¹

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.

Strategic Implications

Nil

Policy Implications

This recommendation of this agenda item is consistent with Outcome 1.4 of Council's Strategic Community Plan, "Improved delivery of existing or new health and support services", specifically strategy "1.4.5 Lobby for new and improved health services".

Financial Implications

Nil

Consultation

- Acting CEO, Silvio Brenzi
- Carol Hall, incumbent nurse, Yalgoo Nursing Post
- Helen Painter, St John Ambulance Mid West Paramedic
- Raul Valenzuela, St John Ambulance Volunteer
- Terry Iturbide, Community member
- Generally and anecdotally, various members of the Yalgoo community

Comment

1. The incumbent nurse says that she feels an on-going attachment to Yalgoo and particularly to her clients who she has built a strong rapport with over the 3.5 years she has been working at the Nursing Post. She does however acknowledge that the change of working situation has had adverse impacts on availability of nursing provision services in Yalgoo.

It is worth considering that the provision of another 0.5 FTE nurse to cover the week that the incumbent is not on duty in Yalgoo is likely to only make up the normal business hours availability and little of the out of hours availability. This is because it is unlikely that a nurse would move to Yalgoo on a 0.5 FTE basis. This should be made clear in any lobbying communication with WACHS senior staff, albeit cognoscente of the fact that access to out of hours nursing cannot be guaranteed and is dependent on the goodwill of the incumbent.

2. From time to time a need arises for transporting a small number of our elders for purposes that meet the objectives of HACC operating policies. Currently there is a lack of understanding of how the bus can be accessed at appropriate times for these purposes. It is possible that at times volunteers could also be available to drive the bus which contributes to the cost effectiveness and sustainability of the service.

It seems appropriate that if the Shire is to lobby WACHS over the issue of staffing at the Nursing Post then it should at the same time seek clarification on the operating policies, and if necessary lobby WACHS for improved access and use of the Yalgoo based HACC bus.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Staffing at Yalgoo Nursing Post

That Council:

- 1. Implement a lobbying campaign targeting local and Perth based senior management of the WA Country Health Service (WACHS) to reinstitute full-time nursing services at the Yalgoo Nursing Post.**
- 2. That WACHS be encouraged to offer a recruitment package that encourages the incumbent(s) to reside in Yalgoo.**

Access to HACC Bus

That Council:

- 1. That seek clarification from WACHS on how community access to the Yalgoo based HACC bus can be improved.**

Moved:

Seconded:

Motion put and carried/lost

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 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 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. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 21 August 2014 commencing at 11.00 am.

16. MEETING CLOSURE