



UNCONFIRMED MINUTES
OF THE SPECIAL COUNCIL MEETING (B)

HELD ON

31 MARCH 2015

AT 10:30 AM

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Minutes of the Special Meeting (b) of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 31 March 2015, commencing at 10.30am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Shire President, Cr Neil A Grinham declared the Special Meeting (b) of Council open at 11:30am.

The meeting was conducted under Local Government Act 1995, Administration (Part 5, Division 2)

s.5.25 Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
 - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means;

Local Government (Administration) Regulations 1996, Council and committee meetings, Part 2

14A. Attendance by telephone etc. (Act s. 5.25(1)(ba)),

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —
 - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting;
- (3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting;

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Neil A Grinham, Shire President Cr Stanley K Willock Cr Robert W Grinham (By teleconference)
STAFF	Silvio Brenzi, Acting CEO
GUESTS	Dominic Carbone, Dominic Carbone & Associates (DCA), Perth
OBSERVERS	Nil
LEAVE OF ABSENCE	Nil

APOLOGIES Cr Adam B Fawkes
 Cr Percy J Lawson
 Cr M Raul Valenzuela

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting
Nil

4. CONFIRMATION OF MINUTES OF THE AUDIT (b) COMMITTEE MEETING

Background

The Minutes of the Audit (B) Committee meeting held on 31 March 2015 at 10:00am, distributed to members and received by the Special Meeting of Council held on 31 March 2015 at 10:30am.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Sb2015-0301 Minutes of the Audit (B) Committee Meeting

That the minutes of the Audit (B) Committee meeting held on 31 March 2015 at 10:00am, as circulated, be confirmed as a true and correct record of proceedings.

Moved: Cr SK Willock

Seconded: Cr RW Grinham

Motion put and carried 3/0

5. PUBLIC QUESTION TIME

5.0 RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

5.1 QUESTIONS WITHOUT NOTICE

Nil

6. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

7. BUSINESS AS NOTIFIED

7.0 Purpose of Meeting

The purpose of the Special Meeting is:

Consideration of a financial matter (detail) (LGA s. 5.23 (2) (a));

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Sb2015-0302 The Compliance Audit Return 2014

That the Audit Committee adopt the Compliance Audit Return 2014 as circulated to all Committee members.

Moved: Cr RW Grinham

Seconded: Cr SK Willock

Motion put and carried 3/0

ATTENDANCE: 11:35am Mr Dominic Carbone left the meeting.

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

8.0 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.

8.1 Consideration of a matter (detail) 5.23 (2) (a)

Motion to Close the Meeting to the Public

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Sb2015-0303 Close Meeting to the Public

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

Moved: Cr SK Willock

Seconded: Cr R W Grinham

Motion put and carried 3/0

The meeting was closed to the public at 11:36am.

Remaining in the meeting were:

- Cr Neil A Grinham, Shire President
- Cr Stanley K Willock
- Cr Robert W Grinham
- Silvio Brenzi, Acting CEO

ATTENDANCE: 11:55am Cr Neil A Grinham left the meeting.

ATTENDANCE: 11:57am Cr Neil A Grinham rejoined the meeting

Motion to Open the Meeting to the Public

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Sb2015-0304 Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr SK Willock

Seconded: Cr R W Grinham

Motion put and carried 3/0

The meeting was reopened to the public at 12:06pm.

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

Sb2015-0305 Council Endorsement

That Council endorses to gain legal consultancy from a WALGA Preferred Supplier to be expended from account E145085.

Moved: Cr SK Willock

Seconded: Cr R W Grinham

Motion put and carried 3/0

9. MEETING CLOSURE

There being no further business, the Shire President Cr Neil A Grinham, declared the Special meeting closed at 12:06pm.

DECLARATION

These minutes were confirmed by Council at the Ordinary Meeting held on 23 April 2015.

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