



**UNCONFIRMED MINUTES
OF THE SPECIAL MEETING
OF COUNCIL
HELD ON
12 MAY 2015
AT 3:30PM**

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CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	2
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	2
3.	DISCLOSURE OF INTERESTS.....	2
4.	PUBLIC QUESTION TIME	3
4.0	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	3
4.1	QUESTIONS WITHOUT NOTICE.....	3
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	3
6.	BUSINESS AS NOTIFIED	3
6.0	Purpose of Meeting.....	3
7.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	3
7.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	3
Local Government Act 1995.....		3
Local Government (Rules of Conduct) Regulations 2007.....		4
7.1	Consideration of a matter (detail) 5.23 (2) (a)	5
S2015-0101 Close Meeting to the Public.....		5
S2015-0102 Open Meeting to the Public.....		5
S2015-0103 Decision Regarding an Employee		6
8.	MEETING CLOSURE	6



Minutes of the Special Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Tuesday 12 May 2015, commencing at 3:30pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Shire President, Cr Neil Grinham declared the Special Meeting of Council open at 3:44pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Neil A Grinham, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Robert W Grinham Cr Stanley K Willock Cr Adam B Fawkes Cr Percy Lawson
STAFF	Silvio Brenzi, Acting Chief Executive Officer (ACEO)
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

Nil

4. PUBLIC QUESTION TIME

4.0 RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

4.1 QUESTIONS WITHOUT NOTICE

Nil

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

- 1/. Consideration of a matter affecting an employee 5.23 (2) (a)

6. BUSINESS AS NOTIFIED

6.0 Purpose of Meeting

The purpose of the Special Meeting is to consider a matter affecting an employee 5.23 (2) (a)

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

7.0 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.

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

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION

S2015-0101 Close Meeting to the Public

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

Moved: Cr MR Valenzuela Seconded: Cr SK Willock Motion put and carried 6/0

The meeting was closed to the public at 3:45pm.

Remaining in the meeting were:

- Cr Neil A Grinham, Shire President;
- Cr M Raul Valenzuela, Deputy Shire President;
- Cr Stanley K Willock;
- Cr Adam B Fawkes
- Cr Robert W Grinham
- Cr Percy Lawson
- Silvio Brenzi, Acting Chief Executive Officer (ACEO).

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION

S2015-0102 Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr MR Valenzuela Seconded: Cr PJ Lawson Motion put and carried 6/0

The meeting was reopened to the public at 4:47pm.

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

S2015-0103 Decision Regarding an Employee

That Council agreed on a decision regarding an employee and their contract. Legal advice from Herbert Smith Freehills will be required to finalise the matter.

Moved: Cr M R Valenzuela

Seconded: Cr RW Grinham

Motion put and carried 6/0

WALGA has supplied advice regarding an employee.

This advice was discussed and Council has decided to remain with the decision made at the Special Council Meeting on 10 April 2015, S2015-0403.

8. MEETING CLOSURE

There being no further business, President Neil Grinham declared the meeting closed at 4:48pm.

DECLARATION

These minutes were confirmed by Council at the Ordinary Meeting held on Thursday 21 May 2015.

Signed: _____

Person presiding at the meeting at which these minutes were confirmed