



UNCONFIRMED MINUTES

OF THE ORDINARY MEETING

OF COUNCIL

HELD ON

18 JUNE 2015

AT 11:00 AM

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Yalgoo for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Yalgoo disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Yalgoo during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Yalgoo. The Shire of Yalgoo warns that anyone who has an application lodged with the Shire of Yalgoo must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Yalgoo in respect of the application.

CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	3
3.	DISCLOSURE OF INTERESTS.....	3
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
8.	CONFIRMATION OF MINUTES	4
8.1	ORDINARY COUNCIL MEETING.....	4
9.	MINUTES OF COMMITTEE MEETINGS	5
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters	5
10.0	INFORMATION ITEMS.....	5
10.1	Presentation by Senior Sergeant Ivan Davies, Yalgoo Police	5
10.2	Award Presentation from St John Ambulance to Deputy President Raul Valenzuela	5
10.3	Award Presentation to Staff Member Diane Hodder.....	5
11.	MATTERS FOR DECISION.....	6
11.0	MATTERS BROUGHT FORWARD.....	6
11.1	TECHNICAL SERVICES.....	6
11.0.1	Technical Services Report.....	6
11.2	DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH	6
11.3	FINANCE.....	7
11.3.1	Budget Amendment 2015/16.....	7
	C2015-0602 To Amend the 14/15 Budget to Reflect the Lost Projects.	8
11.4	ADMINISTRATION.....	9
11.4.1	Heritage Priorities 2015/16.....	9
	C2015-0603 Nomination of Three Prioritised Sites for Heritage Funding	10
11.4.2	Transfer of Land	11
6.64 .	<i>Actions to be taken</i>	11
	C2015-0604 Transfer of Land to the Shire of Yalgoo	12
12.	NOTICE OF MOTIONS.....	13
12.1	PREVIOUS NOTICE RECEIVED.....	13
13.	URGENT BUSINESS.....	13
13.0	ADMISSION OF URGENT BUSINESS	13
	C2015-0605 Admit Urgent Business	13
13.1.1.	Write off Unrecoverable Rates.....	14
	Write Off Unrecoverable Rates.....	15
	C2015-0606 Write Off Unrecoverable Rates	15
11.3.2	Financial Activity Statements and Accounts Paid for the Month of March and April 2015.16	
	C2015-0607 R34 (1) - Financial Activity Statements for the Month of March	
	2015	17

**C2015-0608 R13 (1) - List of Accounts Paid for the Months of March and April
2015 17**

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED 18

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC..... 18

Local Government Act 1995 18

Local Government (Rules of Conduct) Regulations 2007..... 19

14.1 Consideration of a matter (detail) 5.23 (2) (a) 19

C2015-0609 Close Meeting to the Public 19

C2015-0610 Open Meeting to the Public..... 20

15. NEXT MEETING 20

16. MEETING CLOSURE 20



Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 18 June 2015, commencing at 11.00 am.

PLEASE TURN OFF ALL MOBILE PHONES PRIOR TO THE COMMENCEMENT OF THE MEETING

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire Deputy President Raul Valenzuela, declared the Ordinary Meeting open at 11.10am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr M Raul Valenzuela, Deputy Shire President Cr Stanley K Willock Cr Adam B Fawkes Cr Percy Lawson
STAFF	Silvio Brenzi, Acting Chief Executive Officer (ACEO) Karen Malloch, Executive Assistant (EA) Diane Hodder, Finance & Administration Officer
GUESTS	Senior Sergeant Ivan Davies, Yalgoo Police
OBSERVERS	Gary Douglas
LEAVE OF ABSENCE	Nil
APOLOGIES	Cr Neil A Grinham, Shire President (late arrival – 11:30am)

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

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 14.1 Consideration of a matter affecting an employee 5.23 (2) (a)

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

Please refer to attachment: Council and Staff Calendar of Events

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

C2015-0601 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 21 May 2015 be confirmed.

Moved: Cr RW Grinham

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).

10.1 Presentation by Senior Sergeant Ivan Davies, Yalgoo Police

Cr Neil A Grinham, Shire President, introduced Senior Sergeant Ivan Davies, Yalgoo Police to Council.

Senior Sergeant Ivan Davies proceeded to give a presentation on the recent work of the local police and outlined some concerns which need to be addressed in the community.

The St John Ambulance and the local Bush Fire Brigade desperately need new members and volunteers.

Snr Sgt Davies suggested organising a special Open day with the Bush Fire Brigade services and St John Ambulance (Yalgoo and Paynes Find), the local Police and MMG Golden Grove, displaying vehicles, training options, volunteer recruitment information, games and displays for the children, rides and a BBQ.

The local Emergency Management strategies and plans require review and updating due to the amalgamation of the local Shires into one centralised LEMC.

Senior Sergeant Davies would like the community to be aware that the Police are doing their best endeavouring to control the crime and spread of drugs in Yalgoo. But the Police can't do it alone. He urges the local people to assist by referring any information they may have on to Crime Stoppers 1800 333 000 (which is completely anonymous) in order to stop the distribution of drugs and protect our vulnerable families and children.

10.2 Award Presentation from St John Ambulance to Deputy President Raul Valenzuela

At the St John Ambulance Investiture in Perth on Saturday 18 April, 2015, Deputy President Raul Valenzuela was awarded the Medal and Decoration of "Admission as a Member" by the Dame Commander, Her Excellency the Hon. Kerry Sanderson AO DStJ, Governor of Western Australia.

In recognition of this outstanding service President Neil Grinham, on behalf of Vincent Catania ML, presented Deputy President Raul Valenzuela with a framed certificate to commemorate the occasion.

10.3 Award Presentation to Staff Member Diane Hodder

Diane Hodder has been an integral person in the Yalgoo Shire for the past 11 years. Commencing as a casual staff member in 2004, Diane is now the Accounts and Administration Officer. On behalf of the Shire Council and staff, Silvio Brenzi, Acting CEO, presented Diane with a framed certificate in recognition of her outstanding service to the Shire.

ATTENDANCE: 12:16pm Diane Hodder, Finance & Administration Officer left the meeting.

ATTENDANCE: 12:17pm Diane Hodder, Finance & Administration Officer rejoined the meeting.

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.0.1 Technical Services Report

No report this month

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

No report this month

ATTENDANCE: 11:30am Cr Neil A Grinham, Shire President, joined the meeting.

ADJOURNMENT Lunch 12:20pm – 1:17pm

The meeting adjourned for lunch break at 12:20pm.

RESUMPTION:

The Shire President, Neil Grinham, re-opened the Ordinary Meeting at 1:17pm.

Remaining in the meeting was:

- 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 J Lawson
- Silvio Brenzi, Acting CEO
- Karen Malloch, Executive Assistant (EA)
- Diane Hodder, Finance & Administration Officer

11.3 FINANCE

11.3.1 Budget Amendment 2015/16

File:	
Author:	Silvio Brenzi, Acting CEO
Interest Declared:	No interest to disclose
Date:	10 June 2015
Attachments (yellow)	Mid-year Budget Review and Letter to MWDC (Confidential). (Provided under separate cover)

Matter for Consideration

To amend the budget to reflect the projects lost due to financial restrictions.

Background

As per statutory requirements, a mid-year budget review was undertaken to clarify the adjusted position of the Shire’s financial position. This was adopted at the Ordinary Meeting 23rd April 2015, held in Paynes Find. Following the adoption of the review, further and ongoing investigations into the financial position regarding capital purchases, has indicated that a further review and adjustment is required.

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)	

Financial Implications

The amendment will clarify our future position financially over the next few years.

Consultation

Nil

Comment

Four major projects were either deferred or reduced significantly to cater for reduced funds being available in the mid-year review.

1. Two additional houses in conjunction with MWIP funded homes.

2. Purchase of a 1x Multi-wheel roller
3. Trade and purchase of a 140 CAT Grader for 12M CAT grader
4. Fencing of the Paynes Find airstrip.

The attached budget review lists the current situation with these 4 projects. Also attached is the letter to MWDC detailing the changed program of now only building 2 houses, (previously four were scheduled). Heavy plant purchases have also been lost along with the fencing project. These losses are purely caused through the mismanagement of funds of the budget under the management and direction of the previous CEO.

The attached letter outlines the reasoning and justification for the lost housing project. The other 3 items that have been lost, are due to funds being removed from the Reserve account to complete the housing project for MWIP. Therefore, this has adversely impacted on the funds allocated causing the heavy plant and fencing projects to be lost. At present, it does not seem that these projects will be able to be deferred to the 15/16 financial year.

The total loss in dollars for these four projects is detailed below.

1. 2 houses	\$396,000.00
2. Grader	\$220,000.00
3. Roller	\$175,000.00
4. Fencing	<u>\$50,000.00</u>

Total \$841,000.00

The items that are removed will have a zero dollar allocation assigned to them.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0602 To Amend the 14/15 Budget to Reflect the Lost Projects.

That the 14/15 budget is amended to remove the 4 projects that are no longer able to be funded.

- 1. Remove 2 additional houses (lost);**
- 2. Remove trade and purchase of CAT grader (lost);**
- 3. Remove purchase of Multi-wheel roller (lost); and**
- 4. Remove Paynes Find airstrip fence (lost).**

Moved: Cr AB Fawkes Seconded: Cr MR Valenzuela Motion put and carried by absolute majority 6/0

11.4 ADMINISTRATION

11.4.1 Heritage Priorities 2015/16

File:	
Author:	Silvio Brenzi, Acting CEO
Interest Declared:	No interest to disclose
Date:	10 June 2015
Attachments (yellow)	Nil

Matter for Consideration

That Council consider the following properties within the Shire of Yalgoo as priorities for Heritage funding applications and works.

Background

Part of the Heritage Funding received each year to monitor, report and manage the listed items, requires Council to nominate the priorities for funding and associated works.

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	Reduce costs from G.R. accounts to funding agreements
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

Financial Implications

Nil

Consultation

Nil

Comment

There are many sites throughout the area and township that could be considered for works. However as a priority, the Railway Station, the Museum and the Old Railway Water Tank are functional for community events and attractions for tourists. Differing amounts of repair work need to be carried out on each site.

These works will need to be accurately costed and a full scope of work provided, outlining timeframes, type of work and recommended contractors for each site.

Funding would need to be sought to carry out this phase.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0603 Nomination of Three Prioritised Sites for Heritage Funding

That the following three sites are listed as the first three priorities for funding and restoration works on Heritage sites.

- 1. Railway Station building**
- 2. Museum**
- 3. Railway water tank and stand**

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 6/0

11.4.2 Transfer of Land

File:	
Author:	Silvio Brenzi, Acting CEO
Interest Declared:	No interest to disclose
Date:	10 June 2015
Attachments	P1 Location map (yellow)

Matter for Consideration

That council seek to recover the properties No’s. 5 and 7 Henty Street, Yalgoo, due to unpaid rates over the past five years.

Background

Two properties, number 5 and number 7 Henty Street, Yalgoo, are currently vacant land.

Statutory Environment

Local Government Act 1995 - Sect 6.64

6.64 . *Actions to be taken*

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —

- (a) from time to time lease the land; or
- (b) sell the land; or
- (c) cause the land to be transferred to the Crown; or
- (d) cause the land to be transferred to itself.

(2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Business Implications

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

Financial Implications

Nil

Consultation

Nil

Comment

Due to no rates being paid on these properties over the previous 5 years, the Local Government may sell the land to gain back the costs, or alternatively, transfer the ownership of the land to the Shire of Yalgoo. Section 6.64 of the Local Government Act 1995 provides for this process. Multiple and varied attempts have been made to recover the outstanding rates without success. The property file contains all the documentation related to these efforts. These two vacant properties would then become available for future purposes such as staff housing.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0604 Transfer of Land to the Shire of Yalgoo

That application is made to recover the two properties at numbers 5 and 7 Henty Street, Yalgoo. These are to be transferred to the Shire of Yalgoo as per the Local Government Act (S6.64) requirements.

Moved: Cr AB Fawkes

Seconded: Cr PJ Lawson

Motion put and carried 6/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

13.0 ADMISSION OF URGENT BUSINESS

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0605 Admit Urgent Business

That Council admits the following additional matters for discussion and decision:

13.1 Write off Unrecoverable Rates; and

13.2 Financial Activity Statements and Accounts Paid for the Month of March and April 2015.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 6/0

13.1.1. Write off Unrecoverable Rates

File:	
Author:	Silvio Brenzi, Acting CEO
Interest Declared:	No interest to disclose
Date:	10 June 2015
Attachments	P1 Location map (yellow)

Matter for Consideration

Council to consider the write off of unrecoverable rates, associated interest and legal costs.

Background

This rate debtor currently exist considered unrecoverable.

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;
- (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.

**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)	

Financial Implications

Nil

Consultation

Nil

Comment

Assessment 1509	Tenement P59/01888	Total amount outstanding is \$591.47
Assessment 1616	Tenement E59/01646	Total amount outstanding is \$275.08
Assessment 1800	Tenement P59/01988	Total amount outstanding is \$199.13
Assessment 1595	Tenement E59/01649	Total amount outstanding is \$432.32

Total amount outstanding is \$1,498.00

Voting Requirements

Absolute Majority

Officer Recommendation Amended

Write Off Unrecoverable Rates

That Council agrees to write off interest charges accrued on the rates assessment detailed below:

Assessment: 1509	Amount to Write Off	\$591.47;
Assessment: 1616	Amount to Write Off	\$275.08;
Assessment: 1800	Amount to Write Off	\$199.13; and
Assessment: 1595	Amount to Write Off	\$432.32.

Moved: Cr AB Fawkes

Seconded: Cr RW Grinham

Motion Amended

OFFICER RECOMMENDATION/COUNCIL DECISION AS AMENDED

C2015-0606 Write Off Unrecoverable Rates

That Council amend the motion to read:

That Council agrees to write off the rates and interest charges accrued on the assessment detailed below:

Assessment: 1509	Amount to Write Off	\$591.47;
Assessment: 1616	Amount to Write Off	\$275.08;
Assessment: 1800	Amount to Write Off	\$199.13; and
Assessment: 1595	Amount to Write Off	\$432.32.

Moved: Cr SK Willock

Seconded: Cr SK Willock

Motion put and carried by absolute majority 6/0

11.3.2 Financial Activity Statements and Accounts Paid for the Month of March and April 2015.

File:	
Author:	CEO Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	15 June 2015
Attachments	P4-31 Financial Activity Statements - R34 (1) March 2015
(Green)	P58-61 Schedule of Payments - R13(1) March & April 2015

Matter for Consideration

Adoption of the monthly financial statements 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.

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.

Strategic Implications

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Policy Implications

- 2.1 Capitalisation of Assets

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.

14.1 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

C2015-0609 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 SK Willock

Motion put and carried 6/0

ATTENDANCE: 2:35pm EA, Karen Malloch and Finance & Administration Officer, Diane Hodder left the meeting.

The meeting was closed to the public at 2:36pm

Remaining in the meeting were:

- Cr Neil A Grinham, Shire President
- Cr M Raul Valenzuela, Deputy Shire President
- Cr Percy Lawson
- Cr Stanley K Willock
- Cr Robert W Grinham
- Cr Adam B Fawkes
- Silvio Brenzi, Acting CEO

Motion to Open the Meeting to the Public

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0610 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 3:56pm.

ATTENDANCE: 3:56pm Cr Stanley K Willock and Cr Robert W Grinham left the meeting.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday 23 July 2015 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, President Neil Grinham declared the meeting closed at 3:58pm.

DECLARATION

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

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