



UNCONFIRMED MINUTES
OF THE ORDINARY MEETING
OF COUNCIL
HELD ON
22 OCTOBER 2015
AT 11:00 AM

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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
 held in the Council Chambers, 37 Gibbons Street, Yalgoo,
 on 22 October 2015, commencing at 11.00 am.

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

SWEARING IN OF RE-ELECTED AND NEW COUNCILLORS

The Local Government Act 1995 (s.2.29) prescribes that a person elected as a councillor, president or deputy president must make a declaration in the prescribed form (Form 7), before a prescribed person, before acting in the office. The CEO is a prescribed person.

Newly elected and re-elected councillors will make the declaration before the meeting is formally opened. Cr Joanne Kanny made the Declaration of Office (Councillor) before Shire President, Neil Grinham.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Neil Grinham declared the Ordinary Meeting open at 11.32am.

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 Adam B Fawkes Cr Percy J Lawson Cr Joanne Kanny
STAFF	Silvio Brenzi, Acting CEO (ACEO) Karen Malloch, Executive Assistant (EA) Diane Hodder, Finance & Administration Officer
GUESTS	Ben Ryan, Superintendent Environment & Community Relations, MMG Golden Grove Ben McLernon, Manager Environment & Community, Asia Iron (Extension Hill, Mt Gibson)
OBSERVERS	Gail Simpson Anthea Simpson

LEAVE OF
ABSENCE

APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

ATTENDANCE: 11:33am Diane Hodder, Finance & Administration Officer left the meeting.

ATTENDANCE: 11:34am Diane Hodder, Finance & Administration Officer rejoined the meeting.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

Prior to the meeting, a Ms Gail Pilmoor (Paynes Find) submitted a written question on behalf of the Paynes Find community.

The question related to the appointment of a new CEO and a new Chief Bush Fire Control Officer.

As one of the questions relates to an agenda item of the present meeting, Council decided to defer the question until the end of the meeting after the item had been addressed.

The new Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer will be appointed at the next Yalgoo LEMC meeting on 13 November 2015.

The President Neil Grinham and Silvio Brenzi Acting CEO responded, relevant to the operational area concerned.

4.2 QUESTIONS WITHOUT NOTICE

Ms Gail Simpson

Q: Will there be another area for the local children to use for entertainment?

A: The existing Police Station will be renovated and available for use when the Police move to their new Station in Campbell Street, Yalgoo.

The Hall will also still be available for use.

There are also plans for the upgrade of the Community Sports Oval, opposite the school and developing a sports program.

Ms Anthea Simpson

Q: The Shire fencing down the side of the Playgroup area, between the Hall and the Depot is inappropriate and dangerous. Can it be removed?

A: Yes it will be removed from the Playgroup area and set back.

The Depot security fence and cameras were installed prior to use being granted to the Playgroup and due to the height of the fence it was not realised it would be a danger.

Ms Gail Simpson

Q: When will the shade sails or roof cover be put up over the Water Park?
There is a significant health and safety risk to the children who spend several hours each day at the park in direct sunlight without any protection especially over the school holidays.

A: In the Budget Review in December, funds will be allocated for erecting shade cover at the Water Park.

Ms Anthea Simpson

Q: When will the Tennis Court fencing be completed?
There is a single wire running around the court which is a safety risk to the children.

A: The contractor should have been back to finish the tennis court. The Shire will contact him and request the court is completed.

Ms Gail Simpson

Q: Several people were refused voting at the Local Government Election on 17 October 2015. Why were they refused?

A: In order to be eligible to vote the person’s name must be listed on the State Electoral Roll. Enrolments for this election closed back in August 2015. If the person had not enrolled by then, or had changed their address and not re-enrolled then their name will not be listed on the Electoral Roll and therefore the person would not be entitled to vote.
The people whom were not listed received application forms, which were filled out that day, their ID was recorded and the forms posted to the Electoral Commission. They will be entitled to vote at the next election.

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 13.1 Consideration of a matter affecting an employee 5.23 (2) (a)

NOTE: *The agenda item and recommendation were provided under separate cover. The agenda item contained a comment that Council may wish to close the meeting to the public to discuss.*

6. APPLICATIONS FOR LEAVE OF ABSENCE

Acting CEO, Silvio Brenzi applied for leave of absence from 1 December 2015 to 22 December 2015.

ATTENDANCE: 12:10pm members of the public, Gail Simpson and Anthea Simpson left the meeting.

ATTENDANCE: 12:10pm guests Ben Ryan, Superintendent Environment & Community Relations, MMG Golden Grove and Ben McLernon, Manager Environment & Community, Asia Iron (Extension Hill, Mt Gibson) left the meeting.

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

President, Council & Staff Calendar of Events

September 17 – 22 October, 2015

When	Time	Where	What	Who
Fri 18/09/2015	All day	Sandstone	Sandstone Rd Inspection	Silvio Brenzi ACEO Cr SK Willock
Mon 21/9/15	All day	Perth	Trans Safe Conference	Cr Raul Valenzuela
Tue 22/09/2015	8:00am- 9:00am	Yalgoo Shire Chambers	Dept Sport and Recreation Richard Malacari Meeting	Silvio Brenzi ACEO
Tue 29/09/2015	2.30pm – 5:00pm	Perth	Arts and Culture	Silvio Brenzi ACEO President Neil Grinham
Tue 29/09/2015	3.00pm – 5.30pm	Perth	WALGA Meeting	Silvio Brenzi ACEO President Neil Grinham
Wed 30/09/2015		Perth	CEO Roundtable Lunch with Cliff Weeks	Silvio Brenzi ACEO President Neil Grinham
Wed 30/09/2015	All day	Perth	WALGA Aboriginal Affairs	Silvio Brenzi ACEO President Neil Grinham
Wed 14/10/2015	10.30am-12.30pm	Yalgoo Shire Chambers	Regional Road Group - Murchison Sub Group Meeting - Teleconference	President Neil Grinham Silvio Brenzi ACEO Cr SK Willock
Sat 17/10/2015	8:00am – 6:00pm	Yalgoo Shire Chambers Paynes Find Community Centre	LG Elections	Silvio Brenzi ACEO Karen Malloch, Diane Hodder Elisha Hodder
Tue 20/10/2015	11:00am – 1:00pm	Perth	WABVC Meeting	President Neil Grinham Silvio Brenzi ACEO
Tue 20/10/2015	2:30pm – 4:00pm	Perth	Civic Legal Meeting	President Neil Grinham Silvio Brenzi ACEO Anthony Quahe, Civic Legal
Thu 22/10/2015	11:00am	Yalgoo Shire Chambers	Ordinary Council Meeting	

ADJOURNMENT: *Lunch 12:32pm – 1:20pm.*

The meeting adjourned for lunch at 12:32pm.

The Shire President, Neil Grinham re-opened the Ordinary Meeting at 1:20pm with all who were in attendance before the adjournment being present at the resumption.

Remaining in the meeting was:

Cr Neil A Grinham, Shire President;

Cr M Raul Valenzuela, Deputy Shire President;

Cr Robert W Grinham;

Cr Adam B Fawkes;

Cr Percy Lawson;

Cr Joanne Kanny;

Silvio Brenzi, Acting Chief Executive Officer (ACEO);

Karen Malloch, Executive Assistant (EA); and

Diane Hodder, Finance & Administration Officer

7. CONFIRMATION OF MINUTES

7.1 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

C2015-1001 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 17 September 2015 at Paynes Find be confirmed.

Moved: Cr AB Fawkes

Seconded: Cr PJ Lawson

Motion put and carried 5/0

8. MINUTES OF COMMITTEE MEETINGS

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters

9.0 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).

1. Report submitted by Community & Youth Development Officer Linaire Hodge, about the September 2015 School Holiday Program.
2. Report on the Shire of Dalwallinu Land Reclaim Submission.
3. Discussion re: WALGA Preferred Suppliers.

10. MATTERS FOR DECISION

10.0 MATTERS BROUGHT FORWARD

Nil

ATTENDANCE: 2:14pm Cr M Raul Valenzuela left the meeting.

ATTENDANCE: 2:15pm Cr M Raul Valenzuela rejoined the meeting.

ATTENDANCE: 2:25pm Karen Malloch, EA left the meeting.

ATTENDANCE: 2:26pm Karen Malloch, EA rejoined the meeting.

10.1 TECHNICAL SERVICES

11.0.1 Technical Services Report October 2015

File:	
Author:	Silvio Brenzi, A/CEO
Interest Declared:	No interest to disclose
Date:	16 October 2015
Attachments	P1 Flood Damage Report – CORE BUSINESS and RRG Nominations 16/17
(Tech Services Report – Blue)	P5 Proposed Gypsum Mine at Lake Moore

Matter for Consideration:

Receive Monthly Technical Service Report and Schedules.

1/. Road Construction

1. Submission made to RRG funding
Yalgoo-Morawa Rd
2. Submission made to RRG funding
Yalgoo-Ninghan Rd

2/. Road Maintenance – Light Grading Works:

Completed/current works on roads are:

1. Cartage of sheeting material to roads being worked on for flood damage is being carried out.
2. Road Safety Audit (RSA) is being conducted on Maranalgo Rd. This will identify issues such as signage and delineators required to meet standards.
3. Flood Damage works are progressing well. A report is attached for reference.

Access Roads/Airstrips:

1. Meka Station light grade

3/. Other Items

Attached is a document referring to a proposed Gypsum Mine at Lake Moore.

4/. Plant & Equipment:

1. Multi Tyre roller has been purchased from Queensland. Delivered price is \$93,000.00 to Geraldton and is below the \$100k tender limit. Three quotes were obtained prior to purchase. Once registered in Geraldton and transported to Yalgoo, a saving within budget limits of \$55,000.00 has been achieved.
2. Light vehicles will be traded next, then heavy plant following.

3. Traxcavator is currently with Pickles Auctions for trade and has a reserve price of \$80,000.00 after 2.5% fee a substantial increase in revenue from the expected \$55,000.00 trade will be made on this disposal.

5/. Parks and Reserves:

1. Automation of irrigation systems in both reserves is underway.

6/. Infrastructure – Capital:

1. Both modular homes are well under way and handover from Fleetwood is expected in November. Fencing materials have been purchased and will be installed with light landscaping over the next couple of months. MWDC have viewed the projects last week and are happy with the progress.
2. Tender documents are being prepared for the Arts Centre. Draft documents will be presented to Council and also the designs to the user group for comment.

Comments: On handover of both homes, Elected Members will be invited to inspect the homes prior to any lease arrangements.

7/. Infrastructure - Maintenance

1. Painting of the Administration building is currently being priced for commencement in November.

8/. Staff

1. New works foreman, Quentin Melbin, has commenced.
2. Yalgoo notification poster requesting interest in shire employment is being responded to well. 6 applications are being held ready for interviews during November.

10.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

No report this month

ATTENDANCE: 2:53pm Cr Percy J Lawson left the meeting.

ATTENDANCE: 2:57pm Cr Percy J Lawson rejoined the meeting.

10.3 FINANCE

11.3.1 Imposition of Fees and Charges after the 2015 – 2016 Annual Budget was adopted.

File:	
Author:	Dominic Carbone, Carbone & Associates
Interest Declared:	No interest to disclose
Date:	30 September 2015
Attachments (white)	Nil

Matter for Consideration

To advertise, make changes and adopt the Schedule of Fees and Charges.

Background

In September 2015 Council adopted the 2015-2016 Annual Budget, inclusive of the Schedule of Fees and Charges.

The following fees and charges were omitted from the Schedule:

Caravan Park and Accommodation	Rate	GST	Total
Shire Employees	\$45.45	4.55	\$50.00
Washing machine hire per load	\$ 2.73	0.27	\$ 3.00
Dryer hire per load	\$ 2.73	0.27	\$ 3.00
Caravan storage fee per day	\$ 1.82	0.18	\$ 2.00
Tea towels (old stock)	\$ 1.82	0.18	\$ 2.00
Power Point (additional per point)	\$ 7.27	0.75	\$ 8.00
Merchandise Sales			
Yalgoo CD per copy	\$ 6.45	0.55	\$ 6.00
Book "Fields of Gold" per copy	\$10.00	1.00	\$11.00
Book "Architectural Gems of John Hawes" per copy	\$22.73	2.27	\$25.00
The following Fee and Charge is to be deleted from the Schedule on the basis that the washing machine is now coin operated.			
Laundry fees			
Non-park residents per day (or part)	\$ 4.55	0.45	\$ 5.00

Statutory Environment

LOCAL GOVERNMENT ACT 1995 - SECT 6.16

6.16 Imposition of fees and charges

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

*** Absolute majority required.**

6.19 Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges

1.7 Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
 - (a) published in a newspaper circulating generally throughout the district;
 - (b) exhibited to the public on a notice board at the local government’s offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.

Business Implications

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

Consultation

Dominic Carbone, Carbone & Associates

Comment

Council is requested to give consideration to amending the Schedule of Fees and Charges by the inclusion and deletion of the fees and charges detailed above and advertise the proposed new fees in accordance with Section 6.19 of the local Government Act 1995.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-1002 Imposition and Changes to the Fees and Charges after the Adoption of the 2015 – 2016 Annual Budget.

That Council

- (1) Advertise the following Fees and Charges in accordance with Section 1.7 and 6.19 of the Local Government Act 1995;

<u>Caravan Park and Accommodation</u>	<u>Rate</u>	<u>GST</u>	<u>Total</u>
Shire Employees (Accommodation)	\$45.45	4.55	\$50.00
Washing machine hire per load	\$ 2.73	0.27	\$ 3.00
Dryer hire per load	\$ 2.73	0.27	\$ 3.00
Caravan storage fee per day	\$ 1.82	0.18	\$ 2.00
Tea towels (old stock)	\$ 1.82	0.18	\$ 2.00
Power Point (additional per point)	\$ 7.27	0.75	\$ 8.00

Merchandise Sales

Yalgoo CD per copy	\$ 6.45	0.55	\$ 6.00
Book “Fields of Gold” per copy	\$10.00	1.00	\$11.00
Book “Architectural Gems of John Hawes” per copy	\$22.73	2.27	\$25.00

- (2) The Fees and Charges detailed in (1) above be imposed from 1st December 2015;
- (3) Subject to (1) and (2) above, the Schedule of Fees and Charges be amended accordingly by the month;

(a) by the insertion of:

<u>Caravan Park and Accommodation</u>	<u>Rate</u>	<u>GST</u>	<u>Total</u>
Shire Employees (Accommodation)	\$45.45	4.55	\$50.00
Washing machine hire per load	\$ 2.73	0.27	\$ 3.00
Dryer hire per load	\$ 2.73	0.27	\$ 3.00
Caravan storage fee per day	\$ 1.82	0.18	\$ 2.00
Tea towels (old stock)	\$ 1.82	0.18	\$ 2.00
Power Point (additional per point)	\$ 7.27	0.75	\$ 8.00

Merchandise Sales

Yalgoo CD per copy	\$ 6.45	0.55	\$ 6.00
Book “Fields of Gold” per copy	\$10.00	1.00	\$11.00
Book “Architectural Gems of John Hawes” per copy	\$22.73	2.27	\$25.00

(b) by the deletion of:

Laundry fees

Non-park residents per day (or part)	\$ 4.55	0.45	\$ 5.00
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Moved: Cr M R Valenzuela Seconded: Cr RW Grinham Motion put and carried by Absolute Majority 6/0

11.3.2 2015-2016 Budget Statement of Financial Activity

File:	
Author:	Dominic Carbone, Carbone & Associates
Interest Declared:	No interest to disclose
Date:	30 September 2015
Attachments	P1 2015-16 Budget Statement of Financial Activity
(white)	Tabled 2015-16 Budget Statement of Financial Activity Work Sheet

Matter for Consideration

Adoption of 2015-2016 Budget Financial Activity Statement.

Background

Council at the Special Meeting of Council held on 11 September 2015 adopted the following resolution:

S2015-0905

“That Council in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations and Australian Accounting Standard Number 5, adopts the following material variance for the 2015/16 Financial Year -10% or \$10,000 whichever is the greater.”

Statutory Environment

Local Government (Financial Management) Regulations 1996

Regulation 34 of the Local Government (Financial Management) Regulations 1996 require the following in relation to the Financial Activity Statement:

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, 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); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Business Implications

Strategic Community Plan	Yes
Corporate Business Plan	Yes
Long Term Financial Plan	Yes
Asset Management Plan	Yes
Workforce Plan	Yes
Policy	Nil
Financial (short term/ annual budget)	To allow for analysis of financial data.

Consultation

Dominic Carbone, Carbone & Associates

Comment

Accordingly, in order to meet the reporting requirements of the Statement of Financial Activity a twelve (12) months Budget has been prepared for the 2015-2016 financial year in the required format and is attached for Council consideration.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-1003 Adoption of 2015-2016 Budget Financial Activity Statement.

That Council pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 adopts the 2015-2016 Budget Statement of Financial Activity.

Moved: Cr A B Fawkes

Seconded: Cr PJ Lawson

Motion put and carried 6/0

11.3.3 Pay Rates for Election Officers

File:	
Author:	Silvio Brenzi, ACEO
Interest Declared:	No interest to disclose
Date:	2 October 2015
Attachments (white)	Nil

Matter for Consideration

For Council to adopt the pay rates for the Returning Officer, Presiding Officers and Poll Clerk for the Local Government Election which were held on 17 October 2015.

Background

The payments will be paid as a separate item, outside the normal pay.

Statutory Environment

Local Government Act 1995

4.4 Ordinary elections

- (1) When the term of office of an elector mayor or president or a councillor is going to end under the Table to section 2.28 an election to fill the office is to be held;
- (2) An election under this section is called an ordinary election;
- (3) This section does not apply to the office of mayor or president if, under section 2.11, the next mayor or president is to be elected by the council.

Business Implications

Strategic Community Plan	Good Governance
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Election expense budgeted for.

Consultation

Dominic Carbone, Carbone & Associates.

Comment

The Shire is conducted an in-person election on Saturday 17 October 2015.

Council is required to confirm the pay rates for officers engaged for the elections being the Returning Officer, two Presiding Officers and the Polling Clerk. It is recommended the pay rates be adopted by Council The calculated method advised, as detailed by the Local Government Officers Award, states as follows:

18.1 Persons engaged by a respondent on duties associated with the conducting of a ballot of ratepayers shall be subject to the provisions of this clause in lieu of all other provisions contained in this award.

18.2 The salary applicable to each classification shall be in accordance with clause 13.5.

18.2.1 Polling Clerk

Level 3

Step 1

$$\$409.75/1976 = \$20.736 \times 1.50\% \text{ (Penalty Loading)} = \$31.10/\text{hr}$$

18.2.2 Presiding Officer

1-3 Polling Clerks

Level 4

Step 1

$$\$439.73/1976 = \$22.25 \times 1.50\% \text{ (Penalty Loading)} = \$33.38/\text{hr}$$

18.2.4 Returning Officer

(1) Where there are less than 10,000 electors on the electoral roll appropriate to the ballot.

Level 7

Step 1

$$\$53.624/1976 = \$27.16 \times 1.50\% \text{ (Penalty Loading)} = \$40.75/\text{hr}$$

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-1004 Pay Rates for Election Officers

That Council adopt the pay rates for the officers engaged for the Local Government Election being the Returning Officer @ \$40.75/hr, two Presiding Officers @ \$33.38 /hr and the Polling Clerk @ \$31.10/hr.

Moved: Cr MR Valenzuela

Seconded: Cr J Kanny

Motion put and carried 6/0

11.3.4 Appointment of Auditor

File:	
Author:	A/ CEO
Interest Declared:	No interest to disclose
Date:	16/10/15
Attachments (yellow)	Nil

Matter for Consideration

To appoint an auditor for the Shire of Yalgoo.

Background

Each year the Shire is required to carry out an audit of its financial position. RSM Bird Cameron has a contract currently with the Shire of Yalgoo to carry out these works. However, it is also required to nominate the individual person to oversee and sign off on these works. There has been a change in this area and Council approval is required before the audit can take place.

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.

S7.3 LG Act 1995

Business Implications

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

Consultation

Dominic Carbone, Carbone & Associates

Travis Bates, RSM Bird Cameron

Comment

RSM Bird Cameron has completed this statutory task previously and is capable and competent to complete this requirement under the current contract.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-1005 Appointment of Auditor

That Council appoints David Wall of RSM Bird Cameron as Auditor in accordance with section 7.3 of the Local Government Act.

Moved: Cr RW Grinham Seconded: Cr AB Fawkes Motion put and carried 6/0 by absolute majority.

10.4 ADMINISTRATION

11.4.1 Civil Service at St George’s Cathedral 22 November 2015

File:	
Author:	Karen Malloch, EA
Interest Declared:	No interest to disclose
Date:	1 October 2015
Attachments	P1 WALGA letter re: Civic Service at St George’s Cathedral (yellow)

Matter for Consideration

Councillors are requested to give consideration to the attendance of a Civic Service at St George’s Cathedral, St George’s Terrace Perth, on Sunday 22 November 2015 at 5:00pm.

Background

This event held annually, is very popular and attracts much interest.

This ecumenical occasion, modelled on the Civic Service that takes place in Westminster Abbey, will be led by the Dean of Perth, the Very Reverend Richard Pengelley.

It is an opportunity for Councillors to gather together collegially to offer thanksgiving and prayer for their undertakings as representatives of their respective communities.

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	Nil
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Travel and accommodation costs.

Consultation

Nil

Comment

A letter has been received from WALGA dated 24 August 2015, informing that the Dean of Perth is co-hosting, with WALGA, a Civic Service at St George’s Cathedral, St George’s Terrace, Perth on Sunday 22 November 2015 at 5:00pm.

The Service is to celebrate and give thanks for the work of current and new Mayors, Presidents and Councillors.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-1006 Attendance at the Civil Service at St George’s Cathedral 22 November 2015, co-hosted by WALGA and the Dean of Perth.

That Council advise the West Australia Local Government Association (WALGA), the number of Councillors attending the Civil Service at St George’s Cathedral, 5:00pm on 22 November 2015; and

That Council nominate the following Councillors Cr M Raul Valenzuela and Cr Percy Lawson to attend the Civil Service at St George’s Cathedral , 5:00pm on 22 November 2015.

Moved: Cr RW Grinham

Seconded: Cr PJ Lawson

Motion put and carried 6/0

11.4.2 Council Committees and Delegates to Organisations

File:	
Author:	Karen Malloch, EA
Interest Declared:	No interest to disclose
Date:	8 October 2015
Attachments	Nil

Matter for Consideration

To nominate Councillors for internal committees and external organisations.

Background

Council currently has two Committees, being the Audit Committee, which is compulsory under the Act and a Finance Committee.

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

s.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.

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

s.5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

* Absolute majority required.

- (2) A person who is appointed as a deputy of a member of a committee is to be —
 - (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

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)	Nominated delegates to committees may be entitled to reimbursement of necessary travelling expenses to attend meetings.

Consultation

Neil Grinham, Shire President
 Silvio Brenzi, ACEO

Comment

Council has historically nominated all Councillors to be members of the Audit committee. Nominations to the Audit Committee must be by absolute majority.

President Neil Grinham has asked for all positions on both internal and external committees to be declared vacant so that the workload on Council members can be re-distributed. Declaring the offices vacant does not preclude a Councillor from re-applying for a role on the same committee.

Current external committees/organisations and previous nominees are as follows:

Committee	Delegate
Murchison Executive Group (MEG) C2014-0114	Delegate: (1) CEO
Regional Road Group (RRG) C2014-0114	Delegate: (1) Cr Neil Grinham <i>(Note: nominations to this committee are made by the Murchison Sub Group NOT by the local government.)</i>
Murchison Sub Group of the Regional Road Group (RRG) C2014-0114	Delegates: (2) Cr Neil Grinham Cr Stanley Willock Deputy Delegate: (1) Cr Raul Valenzuela
Murchison Country Zone of WALGA (Cue Parliament) C2014-0114 <i>Generally (but not compulsory) is President and Deputy President</i>	Delegates: (2) Cr Neil Grinham Cr Raul Valenzuela Deputy Delegate: (1) Cr Adam Fawkes
Murchison Regional Vermin Council (MRVC) C2014-0114	Delegates: (2) Cr Neil Grinham Cr Robert Grinham
Development Assessment Panel (DAP) 2015-0406	Members: (2) Cr R Valenzuela Cr Neil Grinham Alternates: (2) Cr Stanley Willock Cr Raul Valenzuela <i>Note: this committee is by Ministerial appointment following council nomination, with compulsory training required. Members of this committee are not put forward for re-nomination.</i>
Gundawa Conservation Association C2014-0114	Delegates: (2) Cr Valenzuela Cr Neil Grinham
Audit Committee 2014-0110 Cr P Lawson C2014-0505	Members: All Councillors: Cr Raul Valenzuela Cr Neil Grinham Cr Robert Grinham Cr Stanley Willock Cr Adam Fawkes Cr Percy Lawson
Golden Primary Health Care Service C2014-0114	Delegates: (2) Cr Adam Fawkes Cr Raul Valenzuela
Finance Committee C2014-0112	Delegates: (4) Vacant Cr Raul Valenzuela Cr Neil Grinham Cr A Fawkes Deputy Delegates: (2) Cr Robert Grinham Cr Stanley Willock
Shire of Yalgoo Community Benefit Fund Advisory Committee 2014-1203	A designated officer of the Shire

Committee	Delegate
Shire of Yalgoo Policy Committee C2015-0115	Delegates: All Councillors
Shire of Yalgoo Road Inspection Committee C2015-0409	Delegates: (3) Cr Neil Grinham Cr S Willock A designated officer of the Shire
Mid-West Local Government Emergency Management Network (MWLGEMN) C2014-0913	Delegates: (3) Cr Neil Grinham Cr S Willock A designated officer of the Shire
Yalgoo Chief Bush Fire Control Officer (CBFCO) C2014-0412	Delegate: (1) ACEO, Silvio Brenzi
Yalgoo/Paynes Find Deputy Chief Bush Fire Control Officer (DCBFCO)	Delegate: (1) Vacant
Shire of Yalgoo Tourism Committee C2014 Item 15.6	Delegates: Vacant

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2015-1007 Declare all Positions on the Audit Committee as Vacant

That Council declare all positions on the Audit Committee vacant.

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

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2015-1008 Audit Committee

That Council nominate all elected members to comprise the Shire of Yalgoo Audit Committee in compliance with s7.1A of the Local Government Act 1995 and that the term of office will be until the next ordinary election in October 2016.

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

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #3

C2015-1009 Declare all Positions on the Finance Committee as Vacant

That Council declare all positions on the Finance Committee vacant.

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

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #4

C2015-1010 Finance Committee

That Council nominate all elected members to comprise the Shire of Yalgoo Finance Committee in compliance with s7.1A of the Local Government Act 1995.

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #5

C2015-1011 Declare all Positions on External Organisations Vacant

That Council declare all positions for representatives to external organisations vacant.

Moved: Cr PJ Lawson Seconded: Cr AB Fawkes Motion put and carried 6/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AMENDED

Nomination of Councillors to External Organisations

That Council makes the nominations to external committees/organisations as listed below:

Committee	Delegate
Murchison Executive Group (MEG) C2014-0114	Delegate: (1) CEO
Regional Road Group (RRG) C2014-0114	Delegate: (1) <i>(Note: nominations to this committee are made by the Murchison Sub Group NOT by the local government.)</i>
Murchison Sub Group of the Regional Road Group (RRG) C2014-0114	Delegates: (2): Deputy Delegate: (1)
Murchison Country Zone of WALGA (Cue Parliament) C2014-0114 <i>Generally (but not compulsory) is President and Deputy President</i>	Delegates: (2): Deputy Delegate: (1)
Murchison Regional Vermin Council (MRVC) C2014-0114	Delegates: (2)
Development Assessment Panel (DAP) 2015-0406	Members: (2) Alternates: (2) <i>Note: this committee is by Ministerial appointment following council nomination, with compulsory training required. Members of this committee are not put forward for re-nomination.</i>

Voting Requirements

Simple Majority

AMENDMENT#2

C2015-1013 Nomination of Councillors to External Organisations

That Council amend attendance at the Mid-West Local Government Emergency Management Network (MWLGEMN) to include attendance at all other Emergency Management Committees:

the District Emergency Management Committee (DEMC); and

the Yalgoo Local Emergency Management Committee (LEMC).

Moved: Cr M Raul Valenzuela

Seconded: Cr AB Fawkes

Amendment put and carried 6/0

Voting Requirements

Simple Majority

AMENDMENT#3

C2015-1014 Nomination of Councillors to External Organisations

That Council amend the list of External Organisations to exclude Yalgoo Chief Bush Fire Control Officer (CBFCO) and Yalgoo/Paynes Find Deputy Chief Bush Fire Control Officer (DCBFCO), as both positions will be appointed at the next LEMC meeting on 13 November 2015.

Moved: Cr AB Fawkes

Seconded: Cr J Kanny

Amendment put and carried 6/0

Voting Requirements

Simple Majority

ORIGINAL MOTION AS AMENDED

C2015-1015 Nomination of Councillors to External Organisations

That Council makes the nominations to external committees/organisations as listed below:

Committee	Delegate
Murchison Executive Group (MEG) C2014-0114	Delegate: (1) CEO
Regional Road Group (RRG) C2014-0114	Delegate: (1) <i>(Note: nominations to this committee are made by the Murchison Sub Group NOT by the local government.)</i>
Murchison Sub Group of the Regional Road Group (RRG) C2014-0114	Delegates: (2) Cr Neil A Grinham Cr Robert W Grinham Deputy Delegate: (1) Cr M Raul Valenzuela
Murchison Country Zone of WALGA (Cue Parliament) C2014-0114 <i>Generally (but not compulsory) is President and Deputy President</i>	Delegates: (2) Cr Neil A Grinham Cr M Raul Valenzuela Deputy Delegate: (1) Cr Joanne Kanny
Murchison Regional Vermin Council (MRVC) C2014-0114	Delegates: (2) Cr Robert W Grinham Cr Neil A Grinham

Committee	Delegate
<p>Development Assessment Panel (DAP) 2015-0406</p>	<p>Members: (2) Cr Percy Lawson Cr Neil A Grinham Alternates: (2) Cr Joanne Kanny Cr Percy Lawson <i>Note: this committee is by Ministerial appointment following council nomination, with compulsory training required. Members of this committee are not put forward for re-nomination.</i></p>
<p>Gundawa Conservation Association C2014-0114</p>	<p>Delegates: (2) Cr M Raul Valenzuela Cr Joanne Kanny</p>
<p>Audit Committee 2014-0110 Cr P Lawson C2014-0505</p>	<p>Delegates: All Elected Members</p>
<p>Interagency Committee</p>	<p>Delegates: (2) Cr Percy Lawson Cr Percy Lawson</p>
<p>Finance Committee C2014-0112</p>	<p>Delegates: All Elected Members</p>
<p>Shire of Yalgoo Community Benefit Fund Advisory Committee 2014-1203</p>	<p>Delegates: (3) Yalgoo Delegate: Cr Joanne Kanny Mines Delegate: TBA General Public Delegate: TBA</p>
<p>Shire of Yalgoo Policy Committee C2015-0115</p>	<p>Delegates: All Elected Members</p>
<p>Shire of Yalgoo Road Inspection Committee C2015-0409</p>	<p>Delegates: (3) Cr Neil A Grinham Cr Robert W Grinham CEO, Silvio Brenzi <i>(A designated officer of the Shire)</i></p>
<p>Mid-West Local Government Emergency Management Network (MWLGEMN) C2014-0913 District Emergency Management Committee (DEMC); the Local Emergency Management Committee (LEMC)</p>	<p>Delegates: (3) Cr M Raul Valenzuela Cr Neil A Grinham TBA <i>(A designated officer of the Shire)</i></p>
<p>Shire of Yalgoo Tourism Committee C2014 Item 15.6</p>	<p>Delegates: All Elected Members</p>

Moved: Cr RW Valenzuela Seconded: Cr AB Fawkes Original Motion put and carried as Amended 6/0

11.4.3 Appoint an A/CEO Over the Christmas Period and the Shire Staff Party.

File:	
Author:	A/CEO
Interest Declared:	No interest to disclose
Date:	19/10/15
Attachments (yellow)	Nil

Matter for Consideration

To appoint a temporary Acting CEO during leave of the current CEO in the month of December 2015.
 To approve closure of operational works over the Xmas period.
 To select a day in December for the Staff Xmas Party.

Background

During periods of extended leave of the CEO, it is necessary to have administration processes continued for the Shire and thus Council and the community.
 Dominic Carbone has previously been working for the Shire in a consultative way managing Financial and Governance issues. With the approval of council, it is recommended that while Silvio Brenzi takes annual leave during the month of December a replacement A/CEO is endorsed to facilitate the administration processes for the Shire of Yalgoo.

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	Maintain stability
Policy	
Financial (short term/ annual budget)	

Consultation

Neil Grinham, Shire President

Comment

Annual leave has been approved for Silvio Brenzi A/CEO for the month of December, to return to work on Tuesday the 5th January. Normal Christmas shut down with a skeleton staff will be in place from the 21st December to 4th January.
 The nominated dates for Christmas shut down period is to conclude work on the Friday the 18th December and return to work on Tuesday the 5th January 2016. Staff will utilise leave provisions outside of the nominated public holidays.

The nominated party for the A/CEO role would be paid at the current consulting rate and would reside in a Shire owned home during this period and be supplied a vehicle for general use in Yalgoo.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Approval of Temporary A/CEO, Christmas Shut down dates and Staff Party.

1. That Council endorse closure of operational works from the 18/12/15 till 05/01/16 and approve Dominic Carbone to Act as CEO during the period of 1/12/15 until 21/12/15 excluding the 8/12/15; and
2. That Council nominates Thursday 17 December 2015 for the Staff Christmas Party.

Moved: Cr MR Valenzuela Seconded: Cr PJ Lawson Motion put and carried 6/0 by absolute majority.

ATTENDANCE: 3:57pm Cr M Raul Valenzuela left the meeting.

ATTENDANCE: 3:58pm Cr M Raul Valenzuela rejoined the meeting.

11. NOTICE OF MOTIONS

11.1 PREVIOUS NOTICE RECEIVED

12. URGENT BUSINESS

Councillor Adam Fawkes verbally advised Council that as of this meeting he was resigning from Council.

ADJOURNMENT: Refreshment Break 4:01pm – 4:15pm.

The meeting adjourned for a refreshment break at 4:01pm.

ATTENDANCE: 4:01pm, Silvio Brenzi CEO, Diane Hodder Finance & Administration Officer and Karen Malloch EA, left the meeting.

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13.0 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

The meeting was reopened to the public at 4:55pm.

14. NEXT MEETING

The next Meeting of Council is the Electors’ Meeting due to be held in the Paynes Find Community Centre, Paynes Find on Friday 4 December 2015 commencing at 11.00 am.

15. MEETING CLOSURE

There being no further business, President Neil Grinham declared the meeting closed at 4:58pm.

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