



UNCONFIRMED MINUTES  
OF THE ORDINARY MEETING  
OF COUNCIL  
HELD ON  
FRIDAY 22 JANUARY 2016  
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 Friday 22 January 2016, 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 President declared the Ordinary Meeting open at 11:18 am.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

MEMBERS	Cr Neil A Grinham Cr M Raul Valenzuela Cr Robert Grinham Cr Joanne Kanny
STAFF	Silvio Brenzi CEO Dominic Carbone Karen Malloch, Executive Assistant (EA)
GUESTS	
OBSERVERS	Phillip Joseph, Yalgoo Primary School Principal (arrived 11:21 am)
LEAVE OF ABSENCE	
APOLOGIES	

**3. DISCLOSURE OF INTERESTS**

Disclosures of interest made before the Meeting.

Silvio Brenzi CEO declared disclosures of interest in two confidential reports: 11.4.1 and 11.4.3.

## 4. PUBLIC QUESTION TIME

### 4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

Ms Gail Pilmoor, a member of the local community in Paynes Find asked the following on behalf of the community:

**Question:** “Has or can, the previous information sourced (Manilla folder full) be found and use in consultation with the External Consultant and the Community consultation in regards to the Round 5 Heavy Vehicle Safety and Productivity Programme (HVSPP) Application for Funding, if this is agreed upon?”

**Response:** CEO Silvio Brenzi:  
The Shire will continue to look for the information folder and will use if relevant.

### 4.2 QUESTIONS WITHOUT NOTICE

Mr Phillip Joseph, Yalgoo Primary School Principal, introduced himself to the President, CEO and Councillors.

As a newly arrived member of the community Phillip has seen the progress and development in Yalgoo town ship so far.

**Question:** Can you give a general overview of future developments planned for the community?

**Response:** Shire President:

As a brief over view there are plans in place for a new sports oval opposite the school, (in conjunction with the Department of Education WA) to encourage sports and community events, re-development of the Yalgoo Community Hall, an Arts & Cultural Centre including a gallery for the local artists to exhibit their artworks and handmade indigenous artefacts, a women’s training cultural centre including a children’s playgroup and computer area. Several other ideas are being discussed based on funding availability.

The local community is encouraged to submit ideas and projects, prior to the Annual Budget 2016/2017 review in March/April 2016, for Council consideration.

## 5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11.4.1 Settlement of Claim – Former Employee

11.4.2 Application for Long Service Leave at Double Pay

11.4.3 Petition – Shire’s Chief Executive Officer

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

**7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

**7.1 MEETINGS ATTENDED BY ELECTED MEMBERS**

Date	Details	Attended with whom
22 December 2015	Murchison Regional Vermin Council Meeting via teleconference	President Neil Grinham Cr Bob Grinham
21 January 2016	Electors’ Meeting	CEO Silvio Brenzi & Councillors
22 January 2016	ABC Radio Interview re: boundary changes - Dalwallinu	CEO Silvio Brenzi

The information concerning Meetings Attended, previously Item 7.1: President and Item 7.2: Councillors, have been combined into one Item 7.1 and renamed as “Meetings Attended by Elected Members”.

## 8. CONFIRMATION OF MINUTES

### 8.0 ORDINARY COUNCIL MEETING

#### Background

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

#### Voting Requirements

Simple majority

#### OFFICER RECOMMENDATION

##### Minutes of the Ordinary Meeting

**That the Minutes of the Ordinary Council Meeting held on Thursday 17 December 2015 be confirmed.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr RW Grinham**

**Motion**

The council and officers provided the information for corrections to the Minutes:

- Item 7.1 Alterations to the Councillor Calendar regarding attendees and dates as follows;

MEETINGS ATTENDED BY ELECTED MEMBERS		
Date	Details	Attended with whom
23 October 2015	District Emergency Management Meeting - Geraldton	President Neil Grinham
26 October 2015	Murchison Regional Vermin Council Meeting	President Neil Grinham, Cr Bob Grinham
27 October 2015	Leading Practice Meeting - Yalgoo	President Neil Grinham, CEO Silvio Brenzi & Councillors
29 October 2015	WALGA Meeting / Ricky Burgess, Lynne Craigie - Perth	President Neil Grinham, CEO Silvio Brenzi
30 October 2015	Regional Roads Group Meeting - Geraldton	President Neil Grinham
6 November 2015	Murchison Country Zone - Cue Parliament	President Neil Grinham, Cr Raul Valenzuela, Cr Jo Kanny
6 November 2015	Gundawa Meeting	Cr Jo Kanny
9 November 2015	Community Relations Meeting - Yalgoo	President Neil Grinham, Ben McLernon MMG, CEO Silvio Brenzi
10 November 2015	Murchison Regional Vermin Council Meeting	President Neil Grinham, Cr Bob Grinham
13 November 2015	Local Emergency Management Council Meeting (LEMC) - Yalgoo	President Neil Grinham, Cr Raul Valenzuela, CEO Silvio Brenzi
15-19 November 2015	FAGS Conference – Ballarat Victoria	President Neil Grinham, CEO Silvio Brenzi
17-20 November 2015	National Local Roads & Transport Seminar	President Neil Grinham, CEO Silvio Brenzi
23 November 2015	Murchison Regional Vermin Council Meeting	President Neil Grinham, Cr Bob Grinham
24 November 2015	Arts & Culture Seminar - Perth	President Neil Grinham, Cr Raul Valenzuela, CEO Silvio Brenzi
1 December 2015	Meeting with Minister Simpson & Jenni Law Department of Local Government and	President Neil Grinham, CEO Silvio Brenzi



<b>MEETINGS ATTENDED BY ELECTED MEMBERS</b>		
<b>Date</b>	<b>Details</b>	<b>Attended with whom</b>
	Communities (DLGC) - Perth	
2 December 2015	Red Dirt Movie Premiere - Perth	President Neil Grinham, CEO Silvio Brenzi, Cr Raul Valenzuela
4 December 2015	Electors' & Rate Payers Meeting - Paynes Find	President Neil Grinham, CEO Silvio Brenzi, Councillors
5 December 2015	Doray Mineral Presentation - Yalgoo	President Neil Grinham, CEO Silvio Brenzi, Cr Raul Valenzuela
9 December 2015	Murchison Regional Vermin Council Meeting	President Neil Grinham, Cr Bob Grinham
14 December 2015	Yalgoo Primary School Prize giving	Cr Raul Valenzuela

- Item 11.4.8 (C2015-1220) (2), should read that the Electors' and Rate Payers meeting be held in Yalgoo instead of Paynes Find.

It was then moved:

**OFFICER RECOMMENDATION/COUNCIL DECISION AS AMENDED**

**C2016-0101 Minutes of the Ordinary Meeting**

- **Minutes of the Ordinary Council Meeting held on Thursday 17 December 2015 be confirmed subject to the following alterations:**
- **Item 7.1 Alterations to the Councillor Calendar regarding attendees and dates as follows:**

<b>Meetings Attended by Elected Members</b>		
<b>Date</b>	<b>Details</b>	<b>Attended with who</b>
23 October 2015	District Emergency Management Meeting - Geraldton	President Neil Grinham
26 October 2015	Murchison Regional Vermin Council Meeting	President Neil Grinham, Cr Bob Grinham
27 October 2015	Leading Practice Meeting - Yalgoo	President Neil Grinham, CEO Silvio Brenzi & Councillors
29 October 2015	WALGA Meeting / Ricky Burgess, Lynne Craigie - Perth	President Neil Grinham, CEO Silvio Brenzi
30 October 2015	Regional Roads Group Meeting -Geraldton	President Neil Grinham
6 November 2015	Murchison Country Zone - Cue Parliament	President Neil Grinham, Cr Raul Valenzuela, Cr Jo Kanny
6 November 2015	Gundawa Meeting	Cr Jo Kanny
9 November 2015	Community Relations Meeting - Yalgoo	President Neil Grinham, Ben McLernon MMG, CEO Silvio Brenzi
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15-19 November 2015	FAGS Conference – Ballarat Victoria	President Neil Grinham, CEO Silvio Brenzi
17-20 November 2015	National Local Roads & Transport Seminar	President Neil Grinham, CEO Silvio Brenzi
23 November 2015	Murchison Regional Vermin Council Meeting	President Neil Grinham, Cr Bob Grinham

<b>Meetings Attended by Elected Members</b>		
<b>Date</b>	<b>Details</b>	<b>Attended with who</b>
24 November 2015	Arts & Culture Seminar - Perth	President Neil Grinham, Cr Raul Valenzuela, CEO Silvio Brenzi
1 December 2015	Meeting with Minister Simpson & Jenni Law DLGC - Perth	President Neil Grinham, CEO Silvio Brenzi
2 December 2015	Red Dirt Movie Premiere - Perth	President Neil Grinham, CEO Silvio Brenzi, Cr Raul Valenzuela
4 December 2015	Electors' & Rate Payers Meeting - Paynes Find	President Neil Grinham, CEO Silvio Brenzi, Councillors
5 December 2015	Doray Mineral Presentation - Yalgoo	President Neil Grinham, CEO Silvio Brenzi, Cr Raul Valenzuela
9 December 2015	Murchison Regional Vermin Council Meeting	President Neil Grinham, Cr Bob Grinham
14 December 2015	Yalgoo Primary School Prize giving	Cr Raul Valenzuela

- **Items 11.4.8 (C2015-1220) (2), read that the Electors' and Rate Payers Meeting to be held in Yalgoo instead of Paynes Find.**
- Moved: Cr MR Valenzuela                      Seconded: Cr RW Grinham                      Motion put and carried 4/0**

**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).

The President stated that he received two items of correspondence on behalf of the Shire:

1. Letter from The Lord Mayor's Distress Relief Fund; and
2. An invitation to the Canning World Arts Exchange - The Myth of Gong and Drum, on Saturday 6 February 2016 in Shelley, Perth.

## **11. MATTERS FOR DECISION**

### **11.0 MATTERS BROUGHT FORWARD**

Nil

### **11.1 TECHNICAL SERVICES**

No report this month

A consensus was reached among the councillors that a Technical Services Report be presented at the next Ordinary Council Meeting to be held on 19 February 2016.

### **11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH**

No report this month

A consensus was reached among the councillors that a Development, Planning and Environmental Health Report be presented at the next Ordinary Council Meeting to be held on 19 February 2016.

## 11.3 FINANCE

### 11.3.1 Financial Activity Statements and Accounts Paid for the Month of November 2015.

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (White)	Financial Statements for the Month of November 2015 <b>Please note not yet received – copy to be supplied at the meeting.</b>

#### Matter for Consideration

Adoption of the monthly financial statements.

#### Background

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.



**11.3.2 2014 – 2015 Annual Budget – Imposition of Rates and Minimum Proposal Requiring Ministerial Approval.**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (yellow)	P1 Letter – Department of Local Government and Communities

**Matter for Consideration**

That Council approve an application to the State Administrative Tribunal (SAT) to make an order quashing the UV based differential rates in accordance with Section 6.82 of the Local Government Act 1995.

**Background**

Council adopted the 2014 – 2015 Annual Budget without first obtaining Ministerial approval for the following:

1. To impose a minimum payment of rates of \$600 on vacant land in accordance with Section 6.35(5) of the Local Government Act 1995; and
2. To adopt rates in the dollar that exceeds the 2:1 rates required under Section 6.33(3) of the Local Government Act 1995.

**Statutory Environment**

*Local Government Act 1995*

**s.6.33 Differential general rates**

- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

**s.6.82. General review of imposition of rate or service charge**

- (1) Where there is a question of general interest as to whether a rate or service charge was imposed in accordance with this Act, the local government or any person may refer the question to the State Administrative Tribunal to have it resolved
- (2) Subsection (1) does not enable a person to have a question relating to that person’s own individual case resolved under this section if it could be, or could have been, resolved under section 6.76.
- (3) The State Administrative Tribunal dealing with a matter referred to it under this section may make an order quashing a rate or service charge which in its opinion has been improperly made or imposed.

**s.6.3. Budget for other circumstances**

A local government is required to prepare and adopt\* a budget in a form and manner similar to the annual budget with such modifications as are necessary to meet the case —

- (a) where required to do so in consequence of the quashing of —
  - (i) a general valuation; or
  - (ii) a rate or service charge,
 by a court or by the State Administrative Tribunal

**Business Implications**

Nil

**Consultation**

Nil

**Comment**

Letter dated 16 December 2015 from the Department of Local Government and Communities stating that the Council imposed rates and minimum payments that did not have required Ministerial approval.

The rates imposed in question are:

1. UV-based rates of 18.99 cents and 35.75 cents for exploration/prospecting and mining respectively which are more twice the lowest rate of 6.28 cents imposed on pastoral properties.
2. GRV minimum payment of \$600.00 for town sites vacant land. The 50% limit was exceeded for differential general rates imposed on the basis that the land is vacant.

The Department is seeking confirmation from Council that it will lodge an application with the State Administrative Tribunal in accordance with Section 6.82 of the Local Government Act 1995 to have the rates quashed.

The administrative omission will not cause any additional rates to be levied and the process involved to rectify the error is as follows:

- Council to seek the State Administration Tribunal (SAT) to quash the rates;
- Once orders are received from SAT, the Shire to apply for ministerial approval to impose the two differential rates;
- Upon ministerial approval being received, Council is required to prepare and adopt a budget in a form and manner similar to the Annual Budget and reimpose new rates that comply with the Local Government Act 1995.

**Voting Requirements**

Simple Majority

Mr Carbone informed the Council of the following corrections to be made to the Officers Recommendation:

- That the GRV Town Vacant Land Minimum should read \$600 not \$620.

With that correction it was moved:

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0104     2014 – 2015 Annual Budget – Imposition of Rates and Minimum Proposal Requiring Ministerial Approval**

**That Council:**

1.     **Make application to the State Administrative Tribunal in accordance with Section 6.82 of the Local Government Act 1995 to have the following rates quashed:**
  - **GRV – Town Vacant Land Minimum     \$600:00**
  - **UV – Mining/Mining Tenement             35:75 cents**
  - **UV – Exploration and Prospecting         18:99 cents**
2.     **The Department of Local Government and Communities be advised of (1) above.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr RW Grinham**

**Motion put and carried 4/0**

## 11.4 ADMINISTRATION

Items 11.4.1, 11.4.2, 11.4.3 are confidential items provided under separate cover and will be considered by the Council later in the meeting, refer to Item 14 – Matters for Which the Meeting May be Closed.

### 11.4.4 National Radioactive Waste Management Facility – Badja Station

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (yellow)	Nil

#### Matter for Consideration

To receive information that Badja Station will not be considered for the next phase of the assessment.

#### Background

The Shire of Yalgoo provided a letter of support for the siting of the National Radioactive Waste Management Facility at Badja Station, 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

Nil

#### Consultation

Nil

#### Comment

Letter dated 16 November 2015 received from the Hon. Josh Frydenberg, Minister for Resources, Energy and Northern Australia informing that the nomination of Badja Station as a site for the National Radioactive Waste Management Facility is not being considered for the next phase of the assessment.

#### Voting Requirements

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2016-0105     National Radioactive Waste Management Facility – Badja Station**

**That Council notes that the nomination of Badja Station as a site for the National Radioactive Waste Management Facility will not be considered for the next phase of the assessment.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr RW Grinham**

**Motion put and carried 4/0**



**11.4.5 Application for Funding – National Stronger Regions Fund**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments	P3 Guidelines - National Stronger Regions Fund (yellow)

**Matter for Consideration**

Council to give consideration to capital projects for which an application for funding can be made.

**Background**

The Australian Government is investing \$1 billion over five years to support investment in priority economic and infrastructure areas to strengthen economies in Australia’s regions by improving productivity, employment and workforce skills of Australians.

**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.

<b>Business Implications</b>	
Strategic Community Plan	To achieve objectives of this plan
Corporate Business Plan	To achieve objectives of this plan
Long Term Financial Plan	Incorporate proposal in the plan
Asset Management Plan	Upgrade and extensions to Shire of Yalgoo Community Hall
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	The Shire to provide 50% of the funding

**Consultation**

Nil

**Comment**

The timetable for round three applications for National Stronger Regions Funding is as follows:

- Round Three Applications Open 15 January 2016;
- Round Three Applications Close 15 March 2016;
- Round Three Assessment Completed 30 June 2016; and
- Announcement of Round Three Projects July 2016.

**Eligibility Requirements:**

- The Shire of Yalgoo is an eligible applicant for funding;
- Funding limits are \$20,000 up to a maximum of \$10 million;
- Funding is on a dollar for dollar basis;
- Project to be completed by 31 December 2019; and
- Project to deliver an economic benefit to the region.

**Capital projects eligible for funding are:**

- Construction and new infrastructure; and
- Upgrade or an extension of existing infrastructure.

**Assessment Criteria:**

- The extent to which the project contributes to economic growth in the region;
- The extent to which the project addresses disadvantage in the region;
- The extent to which the project increases investment and builds partnerships in the region; and
- The extent to which the project and proponent are viable and sustainable.

Council may give consideration to apply for funding for the upgrade and extensions to the Shire of Yalgoo Community Hall.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0106     Application for Funding – National Stronger Regions Fund**

**That the Chief Executive Officer prepares funding applications for the following project:**

**The Upgrade and extensions to the Shire of Yalgoo Community Hall.**

**Moved: Cr RW Grinham**

**Seconded: Cr J Kanny**

**Motion put and carried 4/0**

**ADJOURNMENT:             *Lunch 12:32 pm – 1:25 pm.***

The meeting adjourned for lunch at 12:32 pm.

The Shire President, Neil Grinham re-opened the Ordinary Meeting at 1:25 pm with all who were in attendance before the adjournment being present at the resumption.

Remaining in the meeting were:

Cr Neil A Grinham, Shire President

Cr M Raul Valenzuela, Deputy Shire President

Cr Robert W Grinham

Cr Jo Kanny

Silvio Brenzi, Chief Executive Officer (CEO)

Dominic Carbone

Karen Malloch, Executive Assistant (EA)

Phillip Joseph

#### **11.4.6 Report on Matters Outstanding as at 20 January 2016**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (yellow)	Nil

The report in relation to this item was inadvertently omitted from the Agenda and is considered by Council later in the meeting.

**11.4.7 Application for Funding – Round Five of the Heavy Vehicle Safety and Productivity Programme**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (yellow)	P29 Programme Criteria and Proposal Form

**Matter for Consideration**

Council to give consideration to capital projects for which an application for funding can be made.

**Background**

The Heavy Vehicle Safety and Productivity Programme (HVSPP) aims to contribute to the productivity and safety outcomes of heavy vehicles operations across Australia.

**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.

<b>Business Implications</b>	
Strategic Community Plan	Achieve the objectives of the plan
Corporate Business Plan	Achieve the objectives of the plan
Long Term Financial Plan	Incorporate proposal in the plan
Asset Management Plan	Development of new infrastructure
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	The Shire to provide 50% of the funding

**Consultation**

Nil

**Comment**

The Shire of Yalgoo is eligible to apply for funding and applications close on 10 February 2016. Types of project activities included in the funding are the upgrade and new rest areas. Funding for any capital project is on a dollar for dollar basis. The project must commence by June 2017 and be completed by 30 June 2019.

The assessment criteria for the funding are as follows:

- Improved Productivity and Safety;
- Qualified Benefits; and
- Construction Readiness.

Council may give consideration to apply for funding for the construction of new rest areas in Paynes Find. As applications close on 10 February 2016 consideration should be given to available resources to meet the deadline.

### **Voting Requirements**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0107    Application for Funding – Round Five of the Heavy Vehicle Safety and Productivity Programme**

**That Council engage the services of a suitable external consultant to prepare the application for funding for the new rest areas at Paynes Find for Round Five of the Heavy Vehicle Safety and Productivity Programme.**

**Moved: Cr RW Grinham**

**Seconded: Cr J Kanny**

**Motion put and carried 4/0**

**11.4.8 Yalgoo and Districts Jockey Club Inc**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (yellow)	Nil

**Matter for Consideration**

Assistance is requested by the Yalgoo and Districts Jockey Club Inc to conduct an Annual Race Meeting/Community Event.

**Background**

The Shire of Yalgoo has been a major sponsor of the Annual Yalgoo Jockey Club Race Meeting and has provided resources for the maintenance of the Railway Station, the racing premises and surrounds.

A letter was received from Mr Gary Douglas, President of the Yalgoo and Districts Jockey Club Inc, under the letterhead Duende Outback Contracting of which Mr Douglas is the Director.

The support requested by Mr Douglas on behalf of the Yalgoo and Districts Jockey Club Inc is as follows:

- 1/ Building Approval to place and install a Transportable type building in front/side of the existing Ablution Block area on the west end, to be utilized for Jockey Change Rooms and Rest Area to meet RAWWA (Racing and Wagering Western Australia) OH & S minimum standard.  
Our club will acquire this building at the club's own expense and further;
  - a/ Brick paving this area between the existing Ablution block and the proposed Change Room/Rest area at our club's expense and with shire approval.
  - b/ Existing Hand Railing are necessary to be re-arranged in the immediate area to keep the public from this specific area during race meets. It is an RAWWA requirement to keep the public away from Jockeys during race meets. This work again, at the club's expense with shire approval.
- 2/ Track repairs are mandatory and therefore our club require assistance with track repairs such as carting sufficient materials onto the track and a grader, preferably with a competent operator to spread, grade and final trim/preparation of the surface to an acceptable standard to RAWWA OH & S standard.
- 3/ The Race Judge Box requires Metal stairway access and replacement wood flooring to make safe the building floor as necessary, including a safe access ladder constructed to meet Australian Standards for Access Ladders, into the overhead Camera Facility of the Box.
- 4/ Railing in the Stables, require additional rails installed above the existing rails separating each stall, and general rework of minor requirements for horses in the Stable areas and Grounds areas, require Shire approval to complete this work by the club.

**Statutory Environment**

Nil

<b>Business Implications</b>	
Strategic Community Plan	To achieve the objectives of the plan
Corporate Business Plan	To achieve the objectives of the plan
Long Term Financial Plan	Incorporate proposal in plan
Asset Management Plan	Upgrade racetrack and facilities
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	The Shire to provide additional funds

**Consultation**

Nil

**Comment**

That Council give consideration to supplying the following support to the Yalgoo and Districts Jockey Club Inc, subject to the annual race meeting going ahead.

1. Upon application, provide the necessary building approvals for the installation of a transportable building to be utilised for jockey change rooms and rest area.
2. Permit the Jockey Club to undertake the following works:
  - Brick paving the area between the existing Ablution block and the proposed change room/rest area; and
  - Re arrangement of hand railing.
3. The Shire to provide all services necessary to ensure the track complies with the RAWWA OH & S standard.
4. Race Judge Box stairway access and replacement flooring and safe access ladder to be constructed into the overhead camera facility. The Club be requested to provide costings in order that Council can determine the funding required and sources.
5. Shire to provide approval for railing to stables to be completed by the Club.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Yalgoo and Districts Jockey Club Inc**

**That Council inform Mr Gary Douglas (President of the Yalgoo and Districts Jockey Club Inc) that the following assistance be provided to the Yalgoo and Districts Jockey Club Inc subject to the race meeting going ahead:**

1. **Upon application, provide the necessary building approvals for the installation of a transportable building to be utilised for jockey change rooms and rest area;**
2. **Permit the Jockey Club to undertake the following works:**
  - **Brick paving the area between the existing Ablution block and the proposed change room/rest area,**
  - **Re-arrangement of hand-railing.**
3. **The Shire to provide all services necessary to ensure the track complies with the RAWWA OH & S standard;**
4. **Race Judge Box stairway access and replacement flooring and safe access ladder to be constructed into the overhead camera facility. The Club be requested to provide costings in order that Council can determine the funding required and sources; and**
5. **Shire to provide approval for railing to stables to be completed by the Club.**

**Moved:**

**Seconded:**

**Motion**

Moved: Cr MR Valenzuela, that Part 4 of the Officer Recommendation be amended to read as follows:

That Council is not prepared to fund the costs related to the race judge box stairway access ladder, replacement flooring or the safe access ladder to be constructed in the overhead camera facility.

The President asked for a seconder to the amendment to which Cr J Kanny responded..

There being no further discussion the President put the Officer Recommendation as amended:

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0108     Yalgoo and Districts Jockey Club Inc**

**That Council inform Mr Gary Douglas (President of the Yalgoo and Districts Jockey Club Inc) that the following assistance be provided to the Yalgoo and Districts Jockey Club Inc subject to the race meeting going ahead, with the exception of numbers 4 and 5:**

- 1)        Upon application, provide the necessary building approvals for the installation of a transportable building to be utilised for jockey change rooms and rest area.**
- 2)        Permit the Jockey Club to undertake the following works:**
  - Brick paving the area between the existing ablution block and the proposed change room/rest area; and**
  - Re-arrangement of hand-railing.**
- 3)        The Shire to provide all services necessary to ensure the track complies with the RAWWA OH&S standard.**
- 4)        Council is not prepared to fund the costs related to the race judge box stairway access ladder, replacement flooring or the safe access ladder to be constructed in the overhead camera facility.**
- 5)        Shire to provide approval for railing to stables to be completed by the Club.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr J Kanny**

**Motion put and carried 4/0**





## 12. NOTICE OF MOTIONS

### 12.1 PREVIOUS NOTICE RECEIVED

Nil

## 13. URGENT BUSINESS

### 13.0 “Back to Nature through Play” Conference

The President stated that he received correspondence regarding a one day conference “Back to Nature Through Play” to be held in Perth on Monday 15 February 2016. The President suggested to Council that Shire representatives should attend the conference as this event brings together some of WA’s leading advocates and practitioners of creating natural play spaces to explore how we can expand the nature play revolution throughout our schools and communities.

#### COUNCIL DECISION

##### **C2016-0110**    “Back to Nature through Play Conference”

**That Council direct the CEO to nominate a Shire Officer to attend the Back to Nature through Play Conference and present a report for Council consideration at the Ordinary Meeting of Council on Friday 19 February 2016.**

**Moved: Cr J Kanny**

**Seconded: Cr MR Valenzuela**

**Motion put and carried 3/0**

**ATTENDANCE:** 2:05 pm Cr MR Valenzuela left the meeting.

Mr D Carbone informed the meeting that Item 11.4.6 Report on Matters Outstanding as at 20 January 2016, was inadvertently omitted from the Agenda. Mr D Carbone advised that this matter be considered now.

**ATTENDANCE:** 2:06 pm Karen Malloch Executive Assistant left the meeting.

2:10 pm Karen Malloch Executive Assistant rejoined the meeting.

A copy of the report relating to Matters Outstanding as at 20 January 2016 was provided to the President and Councillors. The President asked the Council to give consideration to this report.

**11.4.6 Report on Matters Outstanding as at 20 January 2016**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (yellow)	Nil

**Matter for Consideration**

That Council note the report on outstanding matters.

**Background**

The report is compiled from resolutions of Council relating to reports presented to Council, Notice of Motions and Urgent Business.

**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**

Nil

**Consultation**

Nil

**Comment**

Matters outstanding are detailed below with comments in relation to current status.  
The commencement date of this report is 17 December 2015.

<b>Matters Outstanding</b>			
<b>MEETING DATE</b>	<b>ITEM REFERENCE</b>	<b>RESOLUTION</b>	<b>CURRENT STATUS</b>
17th December 2015	Petition	That the petition be received and be the subject of a report to be considered at its January 2016 Ordinary Council meeting.	Report prepared and is the subject of consideration in this agenda.
17th December 2015	Minutes of the Electors' and Rate Payers Meeting 4 December 2015	Provide a copy of Report No 11.4.2 - Minutes of the Electors' and Rate Payers Meeting to Ms Gail Pilmoor for distribution to residents of Paynes Find.	Electronic copy provided, hard copy not sent as Post Office was closed.
17th December 2015	Extraordinary Election	Advises the Electoral Commission via the Chief Executive Officer of a need to prepare a residents roll for the Extraordinary Election.	Letter sent 18 December 2015. Response received 12 January 2016 and Electoral Rolls downloaded from web

17th December 2015	Purchase of TV for the Gold Battery at Paynes Find	C2015-1217 Purchase of TV for the Gold Battery at Paynes Find That Council: 1. Authorise the purchase of a TV to the value of \$700 to be housed at the Paynes Find Gold Battery in accordance with Section 6.8 of the Local Government Act 1995; 2. Subject to (1) above the owners of the Paynes Find Gold Battery acknowledge that the TV remains the property of the Shire of Yalgoo and maintenance and upkeep to be their responsibility; and 3. The 2015-2016 Annual Budget to be amended accordingly when the Shire conducts its Annual Budget Review in January 2016.	Letter to be sent to the owners of the Paynes Find Gold Battery seeking confirmation that they be responsible for the maintenance and upkeep and acknowledge that the TV remains the property of the Shire of Yalgoo before TV is purchased.
17th December 2015	Urgent Business - Shire Chambers	That the Council review the utilisation of the Shire Chambers and present a report to the next Ordinary meeting.	Report to be prepared for the February 2016 Ordinary Council Meeting.
17th December 2015	Urgent Business - Shire Chambers Locked Cabinet	That the CEO investigates the provision of a locked cabinet for members to be incorporated in the Annual Budget Review for 2015 - 2016 financial year.	Costings to be obtained and incorporated in the 2015 - 2016 Annual Budget Review.
17th December 2015	Urgent Business - Shire Website	That a report be presented to Council at the next Ordinary Council meeting in relation to bringing its website up to date.	Report to be prepared for the February 2016 Ordinary Council Meeting.
17th December 2015	Urgent Business - Tourism Video	That the Tourism video of the Shire of Yalgoo to be uploaded on to the website and a copy be sent to Paynes Find.	This to be done in conjunction with the update of the website.
17th December 2015	Urgent Business - Shire Equipment Hire	That a report be presented to Council at the next Ordinary Council meeting providing a list of depot equipment hired and detailing the following information: the date of hire, the names of customers, the amounts paid and the amounts outstanding.	Report to be prepared for the February 2016 Ordinary Council Meeting.
17th December 2015	Urgent Business - Councillor Calendar	That the CEO organise a Councillor Calendar to be provided to members on a regular basis.	CEO to arrange a demonstration of the electronic calendar.
17th December 2015	Urgent Business - Disorderly Conduct in Yalgoo	That the CEO organise a meeting with the Yalgoo Police to discuss the disorderly conduct in Yalgoo and Councillors be invited to attend.	Meeting to be arranged in February 2016.

## Voting Requirements

Simple Majority

### OFFICER RECOMMENDATION/COUNCIL DECISION

#### Report on Matters Outstanding as at 20 January 2016

That Council receives Report # 11.4.6 Report on Matters Outstanding as at 19 January 2016.

Moved: Cr RW Grinham

Seconded: Cr J Kanny

Motion put and carried 4/0

## 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](http://www.auslii.edu.au) on 8 November 2010.

#### Local Government Act 1995

##### **s5.23. 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.

**s5.92 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.

**s5.93. 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**

s6. 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 Matters of a Confidential Nature

The President at 2:38 pm advised the gallery that the business before the Council is to be considered behind closed doors.

### Motion to Close the Meeting to the Public

#### Voting Requirements –

Simple Majority

#### COUNCIL DECISION

##### C2016-0111 Close Meeting to the Public

That the meeting be closed to the public.

Moved: Cr RW Grinham

Seconded: Cr J Kanny

Motion put and carried 3/0

**ATTENDANCE:** 2:38 pm Mr Dominic Carbone left the chamber and returned at 2:41 pm.

**ATTENDANCE:** 2:38 pm Silvio Brenzi CEO, Karen Malloch (EA) and Mr Phillip Joseph left the meeting.

Remaining in the meeting were:

- President NA Grinham
- Cr RW Grinham
- Cr MR Valenzuela
- Cr K Kanny
- Dominic Carbone

**ATTENDANCE:** Cr J Kanny left the chambers at 2:53 pm and returned at 2:54 pm.

**ATTENDANCE:** Cr MR Valenzuela returned to the meeting at 2:52 pm.

#### Voting Requirements

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

##### C2016-0112 Settlement of Claim – Former Employee

That Council endorses the actions of the Chief Executive Officer in relation to the Settlement of Claim between the Shire and Mr Craig Simpson.

Moved: Cr J Kanny

Seconded: Cr RW Grinham

Motion put and carried 4/0

#### OFFICER RECOMMENDATION/COUNCIL DECISION

##### C2016-0113 Application for Long Service Leave at Double Pay

That Council approve Ms Diane Hodder's Long Service leave application on double pay and over three separate periods in accordance with Regulations 6B and 7 of the Local Government (Long Service Leave) Regulations.

Moved: Cr MR Valenzuela

Seconded: Cr J Kanny

Motion put and carried 4/0

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0114    Petition – Shire’s Chief Executive Officer**

**That the convener of the petition Mrs Phyllis Simpson be advised as follows:**

**That Council:**

- 1)        Notes the comments stated in its petition;**
- 2)        Employs the CEO pursuant to the requirements of the Local Government Act;**
- 3)        Supplies the CEO with a staff house. There is nothing in the contract of employment that compels him to reside in Yalgoo for any length of time;**
- 4)        Monitors the performance of the CEO by undertaking a performance review on an annual basis;**
- 5)        The prescribed functions of the CEO are as follows:**

**LOCAL GOVERNMENT ACT 1995 - SECT 5.41**

**s.5.41. Functions of CEO**

The CEO’s functions are to —

- (a)        advise the council in relation to the functions of a local government under this Act and other written laws; and**
- (b)        ensure that advice and information is available to the council so that informed decisions can be made; and**
- (c)        cause council decisions to be implemented; and**
- (d)        manage the day to day operations of the local government; and**
- (e)        liaise with the mayor or president on the local government’s affairs and the performance of the local government’s functions; and**
- (f)        speak on behalf of the local government if the mayor or president agrees; and**
- (g)        be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and**
- (h)        ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and**
- (i)        perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.**

- 6)        The principles that apply to a Local Government in respect of its employees are as follows:**

**LOCAL GOVERNMENT ACT 1995 - SECT 5.40**

**s.5.40. Principles affecting employment by local governments**

The following principles apply to a local government in respect of its employees —

- (a)        employees are to be selected and promoted in accordance with the principles of merit and equity; and**
- (b)        no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and**
- (c)        employees are to be treated fairly and consistently; and**
- (d)        there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and**
- (e)        employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and**
- (f)        such other principles, not inconsistent with this Division, as may be prescribed.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr RW Grinham**

**Motion put and carried 4/0**



**Motion to Open the Meeting to the Public**

**Voting Requirements –**

Simple Majority

At 3:48 pm the President advised that all confidential matters have been considered by Council.

It was moved that the meeting be reopened to the public: Moved by Cr J Kanny and Seconded by Cr RW Grinham 4/0.

**15. NEXT MEETING**

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on 19 February 2016 commencing at 11:00 am.

**16. MEETING CLOSURE**

There being no further business the President closed the meeting at 3:50 pm.

**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