



AGENDA  
FOR THE ORDINARY MEETING  
OF COUNCIL  
TO BE HELD IN  
THE COUNCIL CHAMBERS, YALGOO  
ON 27 MAY 2016  
COMMENCING 11.00 AM



# SHIRE OF YALGOO

## NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE YALGOO COUNCIL CHAMBERS, YALGOO ON 27 MAY 2016 COMMENCING AT 11.00 AM.

**Silvio Brenzi**

Chief Executive Officer



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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,  
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on 27 May 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**

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

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF ABSENCE            Cr Robert Grinham

APOLOGIES

**3. DISCLOSURE OF INTERESTS**

Disclosures of interest made before the Meeting

**4. PUBLIC QUESTION TIME**

**4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE**

**4.2 QUESTIONS WITHOUT NOTICE**

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

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

**7.1 PRESIDENT**

Date	Details	Attended with whom

**7.2 COUNCILLORS**

Date	Details	Councillors

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING**

**Background**

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

**Voting Requirements**

Simple majority

**Officer Recommendation**

**Minutes of the Ordinary Meeting**

**That the Minutes of the Ordinary Council Meeting held on 22 April 2016 be confirmed.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

**9. REPORTS OF COMMITTEE**

Nil

**10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters**

**10.0 INFORMATION ITEMS**

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (e.g.: matters affecting employee/s or the personal affairs of any person).

**10.1 PRESENTATION**

Representative from Datacom to make a presentation of Ozone Local Government Software.

**11. MATTERS FOR DECISION**

**11.0 MATTERS BROUGHT FORWARD**

**11.1 TECHNICAL SERVICES**

Nil

## 11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

Nil

## 11.3 FINANCE

### 11.3.1 Financial Activity Statements and Accounts Paid for the Month of March 2016.

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	18 May 2016
Attachments	Financial Statements for the Month of March 2016
(Red Cover Page)	<b>TO BE PROVIDED TO MEMBER PRIOR TO OR 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.

**Policy Implications**

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

**Financial Implications**

Payments from Council’s Municipal Account as disclosed in the budget or subsequently approved.

**Consultation**

- Shire Accountants – Moore Stephens
- Dominic Carbone – Dominic Carbone and Associates

**Comment**

The Shire utilises the services of accountants UHY Haines Norton to prepare the monthly financial statements in the statutory format and provide general accountancy support and advice.

A copy of the Statement of Financial Performance is included in the financial attachments with the investment register and schedule of payments.

The areas where material variances have been experienced (10% or \$10,000 above or below budget) are commented on in the material variance attachment.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**R34 (1) Financial Activity Statements for the Month of March 2016**

**That Council adopts the financial activity statements for the periods ending 31 March 2016, as attached.**

<b>Moved:</b>	<b>Seconded:</b>	<b>Motion put and carried/lost</b>
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**OFFICER RECOMMENDATION**

**R13 (1) List of Accounts Paid for the Month of March 2016**

**That Council receives the Schedule of Payments for accounts paid in the month of March 2016.**

<b>Moved:</b>	<b>Seconded:</b>	<b>Motion put and carried/lost</b>
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### 11.3.2 Additional Grant – Regional Road Group Funds

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 May 2016
Attachments (Red Cover)	Email – Surplus Regional Road Groups Funds - Outcome

#### Matter for Consideration

That Council note the additional grant of \$120,000 received from the 2015-16 Regional Road Group allocations for the Yalgoo North Road and make a \$60,000 allocation from the Shire's own resources to part fund the project.

#### Background

Nil

#### Statutory Environment

*Local Government Act 1995*

s.6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

- (1a) In subsection (1) —

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
  - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

*[Section 6.8 amended by No. 1 of 1998 s. 19.]*

#### Business Implications

Additional funds of \$120,000 received from the Regional Road Group requiring a matching by the Shire of \$60,000.

#### Consultation

Nil

**Comment**

The Shire was successful in obtaining an additional grant of \$120,000 from the Regional Road Group for the following roadworks:

Yalgoo North Road; widen formation to accept an eight metre wide pavement, SLK to be advised.

The Shire is required to match the funding for the project on a 2:1 basis, \$60,000.

The Council is requested to authorise the expenditure and part fund the project from the anticipated estimated Net Surplus of \$79,098 identified in the Annual Budget Review.

**Voting Requirements**

Absolute Majority

**OFFICER RECOMMENDATION**

**Additional Grant – Regional Road Group Funds**

**That Council:**

1. Pursuant to Section 6.8 of the Local Government Act 1995 approve the following expenditure:
  - Yalgoo – North Road; Widen Formation to Accept an 8M Wide Payment - \$180,000.
2. The 2015-16 Annual Budget be amended as follows:
  - Increase Income Account N<sup>o</sup> TBA – Grant RRG Yalgoo North Rd \$120,000;
  - Increase Income Account N<sup>o</sup> TBA – Net Surplus \$60,000; and
  - Increase Expenditure Account N<sup>o</sup> TBA – Yalgoo North Rd Widen Formation \$180,000.

**Moved:**

**Seconded:**

**Motion put and carried/lost by Absolute Majority**

## 11.4 ADMINISTRATION

### 11.4.1 Report on Matters Outstanding as at 17 May 2016

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 May 2016
Attachments (Yellow Cover)	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

Nil

#### Business Implications

Nil

#### Consultation

Nil

#### Comment

Matters outstanding are detailed below with comments in relation to status.

Matters Outstanding			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
22 <sup>nd</sup> January 2016	2014-2015 Budget- Imposition of Rates and Minimum Proposal Requiring Ministerial Approval	That Council:	Correspondence has been forwarded to DLGC in accordance with Part 2 of council resolution. Council solicitors have been instructed to submit an application to SAT in accordance with part 1 of the resolution. Awaiting Solicitor's advice on outcome
		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	
		- 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.			
22 <sup>nd</sup> January 2016	Application for funding – National Stronger Regions Fund	That the Chief Executive Officer prepares a funding application for the following project - The upgrade and extensions to the Shire of Yalgoo Community Hall.	Appropriate consultants have been engaged to prepare the application for funding by the due date. To be completed in May 2016

22 <sup>nd</sup> January 2016	Application for Funding Round Five of the Heavy Vehicles Safety and Productivity Program.	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 Program.	Appropriate consultants have been engaged to prepare the application for funding by the due date. To be completed in May 2016
19-February-2016	Technical Services Report	The CEO organise an appropriate meeting to investigate the use of solar panels in Yalgoo	CEO to confirm
22 April 2016	Public Question Time: Airstrip Grading of Stations' Airstrips	The addition of Maranalgo Stations' airstrip to the Schedule and amend the Shire's Administrative Policy.	The matter is subject of a report in this Agenda Item N <sup>o</sup> 11.4.2
22 April 2016	Public Question Time: Grading of the Maranalgo Road.	That Maranalgo Rd is assessed for grading prior to Maranalgo Station Endurance Ride.	CEO to action the matter.
22 April 2016	Public Question Time: Ninghan Station Creek Crossing	Funding of partly completed crossing.	CEO to action an assessment of the crossing, prices and quotations to be obtained for inclusion in the 2016-17 Draft Annual Budget.
22 April 2016	Public Question Time:	That the following matters be investigated: <ul style="list-style-type: none"> <li>• Warne River crossing;</li> <li>• Goodinow Rd repairs;</li> <li>• Supply of gravel for back filling around the Community Centre between the building and brick surface.</li> </ul>	CEO to action the matter.
22 April 2016	Disposal of Council Property: Plant & Equipment	Provision of funds in the 2016-17 Draft Annual Budget for the replacement of Concrete Agitator Truck and Batching Plant.	Items to be incorporated in the 2016-17 Draft Annual Budget.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Matters Outstanding as at 17 May 2016**

**That Council receives Report 11.4.1 Report on Matters Outstanding as at 17 May 2016.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

### 11.4.2 Shire of Yalgoo Airstrips Grades Policy

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 May 2016
Attachments (Yellow Cover)	Nil

#### Matter for Consideration

Council to review Policy No<sup>o</sup> 13.2 Airstrip Grades.

#### Background

At the Ordinary Council Meeting held on 22 May 2016 the following question was asked:

“In relation to the Yalgoo Policy Manual – 20 February 2014 - 13.2 Airstrip Grades:  
Can Maranalgo Station Airstrip be added to this schedule?”

The answer provided at the meeting reads as follows:

“Station airstrips and the roads of Station properties are graded once a year.

An application can be made and sent to the Shire requesting the grading of the Maranalgo Airstrip and road.

A recommendation will be made to amend the Shire of Yalgoo Policy Manual at the next Ordinary Meeting of Council on May 27, 2016”.

#### 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

Additional cost of grading Maranalgo Station airstrip.

#### Consultation

Nil

#### Comment

The Shire’s Airstrip Grading Policy states the following:

### 13.2 Airstrip Grades

#### Policy Statement

1. All private homestead airstrips within the Shire of Yalgoo receive one free grade annually if the work is carried out at a time when the council graders are working within the area.
2. Only one airstrip for each holding, individual station or collective, is eligible for grading.
3. The CEO is to compile a list attached to this policy, and amend the details as advised from time to time.

**COMMENT**

20 February 2014: requires review, EMWI/EA sought information from stations in Jan 2014 and did not receive adequate response to updated for the Feb policy review.

A register of the airstrips to be graded (as a Listing to this Policy) to be developed.

Station	Advised	Located	RFDS?
Burnerbinmah	04.07.08	Near homestead	n/s
Jingemarra	30.06.08	Near homestead	Possibly
Warriedar	02.07.08	Near homestead	n/s
Carlaminda or Noongal (TBC)	11.07.08	Carlaminda – near shearing shed Noongal – near homestead	No – need to be longer
Thundelarra	22.07.08	Western side of homestead	n/s
Gabyon / Pindathuna	Phone	Pindathuna	
Ninghan	11.09.08		
Wagga Wagga		PHONE FIRST	

Council is requested to amend the policy in the following manner:

By deleting part 3 of the policy that states:

“The CEO is to compile a list attached to this policy and amend the details as advised from time to time”, the comment section and “register of airstrips to be graded”.

Insert a new (3) to read as follows:

“On an annual basis each homestead to advise the Shire in writing as to whether their airstrip requires grading and the CEO shall include the request in the Schedule of Works subject to (1) above and advise each homestead accordingly”.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Shire of Yalgoo Airstrips Grading Policy**

**That Council:**

**Amend Policy 13.2 Airstrips Grading in the following manner:**

**Delete:**

1. **3. The CEO is to compile a list attached to this policy, and amend the details as advised from time to time;**
2. **Comment; and**
3. **Register of the airstrips to be graded.**

**Insert:**

- (3) **On an annual basis each homestead to advise the Shire in writing as to whether their airstrip requires grading and the CEO shall include the request in the Schedule of Works subject to (1) above and advise each homestead accordingly.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

**11.4.3 Minister for Local Government Decision on the Proposal to Transfer Part of Paynes Find and Adjacent Pastoral Stations from the Shire of Yalgoo to the Shire of Dalwallinu.**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 May 2016
Attachments (Yellow Cover)	1. Letter from the Minister for Local Government. 2. Local Government Advisory Board Assessment.

**Matter for Consideration**

Council notes the decision of the Minister for Local Government and the Local Government Advisory Board recommendation.

**Background**

The Shire of Dalwallinu submitted a proposal to the Local Government Advisory Board on 24 September 2015 to amend its district boundary within the Shire of Yalgoo.

The total area of the proposed boundary change amendment is approximately 7,614 square kilometres and comprises the townsite of Paynes Find and the pastoral leases of Maranalgo Mt Gibson, Ninghan, and Pullagaroo (south block).

**Statutory Environment**

**Local Government Act 1995**

**Schedule 2.1 —Provisions about creating, changing the boundaries of, and abolishing districts**

[Section 2.1(2)]

2. Making a proposal

- (1) A proposal may be made to the Advisory Board by -
  - (b) an affected local government; or

(2) A proposal is to —

- (a) set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments; and
- (b) be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and
- (c) comply with any regulations about proposals.

**Business Implications**

Nil

**Financial Implications**

Potential loss of approximately 50% of the Shire’s rate base that could have a devastating impact on the Shire’s ability to provide services and facilities to the community of Yalgoo.

**Consultation**

Nil

**Comment**

Letter dated 20 April 2016 received from the Hon. Tony Simpson MLA, Minister for Local Government, Community Services and Volunteering, Youth, stating that he has accepted the recommendation of the Local Government Advisory Board not to transfer part of Paynes Find and adjacent pastoral stations from the Shire of Yalgoo to the Shire of Dalwallinu. He also stated that in principle he has decided not to accept boundary changes that do not have the support of all affected local governments.

The Local Government Advisory Board concluded its assessment of the proposal in April 2016 and made the following recommendation:

“That in accordance with Clause 6(1)(a) of Schedule 2.1 of the Local Government Act 1995, the Minister for Local Government rejects the proposal submitted by the Shire of Dalwallinu to amend the Shire’s district boundary to transfer that part of Paynes Find and adjacent pastoral stations currently located in the Shire of Yalgoo to the Shire of Dalwallinu.”

The Minister in his letter has shown great wisdom by stating in principle that he does not accept boundary changes that do not have the support of all affected local governments. Perhaps if the Shire of Dalwallinu applied the same principle a lot of time and money could have been saved or put to better use.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Minister for Local Government Decision on the Proposal to Transfer Part of Paynes Find and Adjacent Pastoral Stations from the Shire of Yalgoo to the Shire of Dalwallinu.**

**That Council:**

- 1. Receive Report N<sup>o</sup> 11.4.3 Minister for Local Government Decision on the Proposal to Transfer Part of Paynes Find and Adjacent Pastoral Stations from the Shire of Yalgoo to the Shire of Dalwallinu.**
- 2. Thank all concerned for the letters of support and submissions in relation to the proposal.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**



#### 11.4.4 Snapshot of the Shire of Yalgoo MyCouncil Website

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	18 May 2016
Attachments (Yellow Cover)	Financial Health Indicator Score <ul style="list-style-type: none"> <li>• Operating Revenue</li> <li>• Operating Expenditure by Program</li> <li>• Rate Growth</li> <li>• Circular N<sup>o</sup> 09-2016</li> <li>• Web Based FHC – Functional Specifications</li> </ul>

#### Matter for Consideration

That Council receive the report.

#### Background

The Minister for Local Government on 29 April 2016 launched the MyCouncil website. The website provides a snapshot of all Western Australia's local governments and allows members of the public to make comparisons of data over time and between Councils. MyCouncil presents data taken directly from Local Government Annual Financial Statements and their submissions to the Local Government Grants Commission Annual Return. MyCouncil data will be updated annually in the first quarter of the Calendar year.

#### 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

MyCouncil is an initiative of the Western Australian Government to strengthen local government accountability and performance. The website provides a geographic, demographic, and financial snapshot of each local government.

MyCouncil Financial Health Indicator measures a local government overall financial health utilising FHI methodology developed by the Western Australian Treasury Corporation.

The Financial Health Indicator (FHI) is calculated from seven financial ratios that local governments are required to report annually. The approach awards a score out of 10 for each financial ratio. The weighted average of the ratios is used to calculate the overall result. An FHI of 70 and above indicates sound financial health. In 2014-15 the Shire of Yalgoo achieved an FHI of 79 compared to 2013-14 FHI of 37 and in 2012-13 an FHI of 86.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Snapshot of the Shire of Yalgoo MyCouncil Website**

**That Report N<sup>o</sup> 11.4.4 Snapshot of the Shire of Yalgoo MyCouncil Website be received.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**



## 12. NOTICE OF MOTIONS

### 12.1 PREVIOUS NOTICE RECEIVED

To the Chief Executive Officer:

**Subject:** *Motion of Which Previous Notice has been given:*

Please be informed that I propose to present the following motion at the Ordinary Council Meeting to be held on Friday 27 May 2016.

1. That the Chief Executive Officer prepare a report on improving the form, structure and appearance of the Shire of Yalgoo publication, the “Yalgoo Bulldust” in particular the report to address the following matters:
  - Ways of improving the content of the publication;
  - The regularity of the publication;
  - Current Annual production costs;
  - Current staff resources; and
  - Additional resources required and associated estimated costs.
2. Subject to (1) above the report be presented to Council at its June 2016 Ordinary Meeting of Council for consideration.

It would be appreciated if this motion be listed in the Ordinary Council Meeting Agenda on 27 May 2016.

Cr Raul Valenzuela.

### 12.2 NOTICE GIVEN AT THE MEETING FOR CONSIDERATION AT THE NEXT ORDINARY MEETING OF COUNCIL

## 13. URGENT BUSINESS

## 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.

## **15. NEXT MEETING**

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Friday 17 June 2016 commencing at 11.00 am.

## **16. MEETING CLOSURE**