



MINUTES  
OF THE SPECIAL MEETING  
OF COUNCIL HELD  
IN THE COUNCIL CHAMBERS, YALGOO  
ON 27 MAY 2016  
COMMENCING AT 10.00 AM



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Minutes of the Special Meeting of the Yalgoo Shire Council,  
held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on 27 May 2016 commencing at 10.00 am.

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

### **1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President Neil Grinham declared the Ordinary Meeting open at 10:14 am.

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

MEMBERS	Cr Neil A Grinham, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Percy J Lawson Cr Joanne Kanny Cr Gail Trenfield
STAFF	Silvio Brenzi, CEO
GUESTS	Nil
OBSERVERS	Nil
LEAVE OF ABSENCE	Cr Robert Grinham
APOLOGIES	Nil

### **3. DISCLOSURE OF INTERESTS**

Disclosures of interest made before the Meeting  
Nil

## 4. PUBLIC QUESTION TIME

### 4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

### 4.2 QUESTIONS WITHOUT NOTICE

Nil

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

Confidential Report:

Chief Executive Officer Performance Review.

The report to be considered by the Council is Item 6.1 of this Agenda.

### 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.

## 6.1 MATTERS OF CONFIDENTIAL NATURE

### 6.1.1 Report on Chief Executive Officer – Performance Review

No observers or staff, with the exception of the CEO, were present at the meeting.

Cr J Kanny moved the following amendment “that the Shire Credit Card be utilised by the CEO in accordance with Shire Policy” and Seconded by Cr G Trenfield, which was carried 5/0.

It was then moved:

#### Voting Requirements

Simple Majority

#### COUNCIL DECISION

**S2016-0501 Report on Chief Executive Officer – Performance Review**

**That Council:**

- 1 In accordance with Section 5.38 of the Local Government Act 1995 and Clause 8.2 of the Chief Executive Officer Contract of Employment has conducted a performance review by undertaking an assessment.**
- 2 Set the following annual performance targets for 2017 CEO performance review in accordance with Clause 7(2) of the Chief Executive Officer Contract of Employment.**
  - Implementation of the new accounting and financial software (Ozone) by 30 June 2016.**
  - Achieve a target of greater than 80% for the completion of the capital works programme detailed in the 2015-16 annual budget.**
  - Implement an appropriate training programme for elected members.**
  - That the Shire Credit Card be utilised by the CEO in accordance with Council Policy.**

**Moved: Cr R Valenzuela**

**Seconded: Cr J Kanny**

**Motion put and carried 5/0**

## 6. MEETING CLOSURE

There being no further business the President closed the meeting at 11:01 am.

#### 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