



UNCONFIRMED MINUTES  
OF THE ORDINARY MEETING  
OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, YALGOO  
ON 22 JULY 2016  
COMMENCING 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 July 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 Neil Grinham declared the Ordinary Meeting open at 11:08 am.  
The President introduced and welcomed Vince Catania MLA, to the meeting.

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

MEMBERS	Cr Neil A Grinham, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Joanne Kanny Cr Gail Trenfield
STAFF	Silvio Brenzi, CEO Steven Cosgrove, Coordinator Governance & Technical Services (CGTS) Karen Malloch, Executive Assistant (EA)
GUESTS	Vince Catania, MLA
LEAVE OF ABSENCE	Cr Robert Grinham
APOLOGIES	Cr Percy J Lawson

**3. DISCLOSURE OF INTERESTS**

Disclosures of interest made before the Meeting.

Item 11.4.9: Cr J Kanny declared an impartiality interest in the report on “Donation to the Meekatharra School of the Air”.

**4. PUBLIC QUESTION TIME**

**1.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE**

Nil

**ATTENDANCE:** 11.10 am Silvio Brenzi CEO left the meeting.  
 11. 11 am Silvio Brenzi CEO rejoined the meeting.

**1.2 QUESTIONS WITHOUT NOTICE**

Nil

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

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

**7.1 MEETINGS & EVENTS ATTENDED BY ELECTED MEMBERS**

Date	Details	Attended with whom
24 June 2016	LEMC Meeting, Railway Station, Yalgoo	President Neil Grinham, Silvio Brenzi CEO
28 June 2016	Murchison Regional Vermin Council (MRVC), Mt Magnet	President Neil Grinham
11 – 13 July 2016	Rostered Visit to Yalgoo	Bill Atyeo
15 July 2016	Finance Committee Meeting - Yalgoo	Cr G Trenfield, Cr J Kanny, Cr P Lawson, Cr R Valenzuela, President Neil Grinham, Silvio Brenzi CEO, Dominic Carbone
20 July 2016	Meeting with MMG - Yalgoo	President Neil Grinham, Silvio Brenzi CEO
18 – 21 July 2016	Rostered Visit to Yalgoo	Dominic Carbone

## **8. CONFIRMATION OF MINUTES**

### **8.1 ORDINARY COUNCIL MEETING**

#### **Background**

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

#### **Voting Requirements**

Simple majority

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

**C2016-0701**    Minutes of the Ordinary Meeting

**That the Minutes of the Ordinary Council Meeting held on 17 June 2016 be confirmed.**

**Moved: Cr R Valenzuela**

**Seconded: Cr J Kanny**

**Motion put and carried 4/0**

### **8.2 SPECIAL COUNCIL MEETINGS**

#### **Background**

Minutes of the following Special Meetings of Council have previously been circulated to all Councillors:

#### **Voting Requirements**

Simple majority

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

**C2016-0702**    Minutes of the Special Meeting held 27 May 2016

**That the Minutes of the Special Council Meeting held on 27 May 2016 be confirmed.**

**Moved: Cr J Kanny**

**Seconded: Cr G Trenfield**

**Motion put and carried 4/0**

## 9. REPORTS OF COMMITTEE

Report of the Finance Committee held on 15 July 2016.

### 9.1 Report on 2016-17 Draft Annual Budget

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 July 2016
Attachments	<ul style="list-style-type: none"> <li>• Draft Annual Budget 2016-17 Work Sheets</li> </ul>

#### Matter for Consideration

That the finance committee give consideration to the Draft Annual Budget that excludes the surplus/deficit to be carried forward and carry-overs from the 2015-16 Financial Year and recommend accordingly to Council for endorsement.

#### Background

Council is in the process of preparing the 2016-17 Annual Budget and in June 2016, considered items of capital expenditure for inclusion in the proposed budget.

#### Statutory Environment

*Local Government Act 1995*

*Section 6.2 Local Government to prepare Annual Budget.*

#### Strategic Implications

The 2016-17 Draft Annual Budget has taken into account the needs detailed in the Shire’s Strategic Community Plan (SCP), the Corporate Business Plan (CBP), and the Long Term Financial Plan (LTFP) when determining items for inclusion in the proposed budget.

#### Consultation

Dominic Carbone & Associates

#### Comment

Attached is a draft of the 2016-17 Annual Budget comprising of the Rate Setting Statement and detailed worksheets for the Finance Committee consideration.

Please note that the surplus/deficit and carry over from the 2015-16 Financial Year are yet to be incorporated.



**Voting Requirements**

Simple Majority

**FINANCE COMMITTEE RECOMMENDATION/COUNCIL DECISION**

**C2016-0703 Report on the 2016-17 Draft Annual Budget**

That the Finance Committee recommends to Council that the items of revenue and expenditure detailed in the work sheets attached to this report be incorporated in the 2016-17 Draft Annual Budget with the following amendments:

<b>Account N° I032010</b>	<b>Grants Commission</b>	<b>\$1,758,230.00</b>	<b>amend to read</b>	<b>\$1,738,463.00</b>
<b>Account N° I032020</b>	<b>Local Roads Grant</b>	<b>\$ 565,067.00</b>	<b>amend to read</b>	<b>\$ 546,604.00</b>
<b>Account N° E113028</b>	<b>Kidsport Expend (Unspent Grant)</b>	<b>\$ 21,775.00</b>	<b>amend to read</b>	<b>\$ 0.00</b>

**Moved: Cr J Kanny                      Seconded: Cr G Trenfield                      Motion put and carried 5/0**

**COUNCIL DECISION**

**C2016-0704 Report on the 2016-17 Draft Annual Budget**

That Council authorises the following amendments to the 2016-17 Draft Annual Budget.

<b>Account N° I032010</b>	<b>Grants Commission</b>	<b>\$1,758,230.00</b>	<b>amend to read</b>	<b>\$1,738,463.00</b>
<b>Account N° I032020</b>	<b>Local Roads Grant</b>	<b>\$ 565,067.00</b>	<b>amend to read</b>	<b>\$ 546,604.00</b>
<b>Account N° E113028</b>	<b>Kidsport Expend (Unspent Grant)</b>	<b>\$ 21,775.00</b>	<b>amend to read</b>	<b>\$ 0.00</b>

**Moved: Cr J Kanny                      Seconded: Cr G Trenfield                      Motion put and carried 4/0**

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

### 10.1 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) Guest – Vince Catania MLA: Meeting with Minister Peter Collier:

Vince Catania MLA suggested organising a meeting with Hon Peter Collier MLC, Minister for Education; Aboriginal Affairs; Electoral Affairs to meet with Shire President Neil Grinham and CEO Silvio Brenzi, during the WALGA week 1<sup>st</sup> to 5<sup>th</sup> of August 2016.

The purpose of the meeting will be to discuss the current schooling system in Yalgoo and how better outcomes may be achieved.

2) Guest – Vince Catania MLA: Meeting with Hon John Day MLA, Minister for Health; Culture and the Arts:

Vince Catania MLA suggested organising a meeting with Hon John Day MLA, Minister for Health; Culture and the Arts. to meet with Shire President Neil Grinham and CEO Silvio Brenzi, during the WALGA week 1<sup>st</sup> to 5<sup>th</sup> of August 2016.

The purpose of the meeting will be to discuss the lack of health care available to the Yalgoo Shire community. Geraldton Regional Aboriginal Medical Service (GRAMS) is no longer attending the Yalgoo Nursing Post on a fortnightly basis and the cut-backs to the Royal Flying Doctor Service (RFDS) are issues which are having a detrimental impact on the Shire. Other matters such as the “Breast Screening Bus Service” will be discussed.

3) Guest – Vince Catania MLA: Mobile Phone Tower Sites:

Vince Catania MLA, informed Council that a list of sites for the positioning of mobile phone towers have been submitted to the Federal Government for co-funding. Sites located on the Great Northern Highway, include Paynes Find. An announcement is expected soon.

4) St John Ambulance Presentation:

Raul Valenzuela, Senior Officer St John Ambulance, presented a “Certificate of Appreciation” to the Yalgoo Shire for all the support and assistance given to the Yalgoo Sub Centre of St John Ambulance. The Yalgoo Sub Centre of St John Ambulance presented the Yalgoo Shire with a defibrillator, which will be located in the Yalgoo Shire Community Hall.

5) Doray Minerals – Deflector Mine Visit:

The CEO informed Council he is finalising the details for a Council visit to the Deflector Mine site on the Yalgoo-Morawa Road. Once finalised Councillors will be advised of the day/date.

## 11 MATTERS FOR DECISION

### 11.0 MATTERS BROUGHT FORWARD

Nil

### 11.1 TECHNICAL SERVICES

No report

## 11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

No report

## 11.3 FINANCE

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

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 July 2016
Attachments (Red Cover)	<ul style="list-style-type: none"> <li>Financial Statements for the Month of May 2016</li> </ul>

#### 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 & 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/COUNCIL DECISION**

**C2016-0705    R34 (1) Financial Activity Statements for the Month of May 2016.**

**That Council adopts the Financial Activity Statement for the period ending 31 May 2016.**

**Moved: Cr R Valenzuela                      Seconded: Cr G Trenfield                      Motion put and carried 4/0**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0706    R13 (1) List of Accounts Paid for the Month of May 2016.**

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

**Moved: Cr R Valenzuela                      Seconded: Cr J Kanny                      Motion put and carried 4/0**

## 11.4 ADMINISTRATION

### 11.4.1 Report on Change to Advertised Meeting Date – Ordinary Council Meeting 23 September 2016 to be held in Paynes Find.

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	14/7/2016
Attachments (Yellow Cover)	Nil

#### Matter for Consideration

That council give consideration to change the meeting date for the September 2016 Ordinary Council meeting to be held at Paynes Find due to a clash with the final prize winning ceremony for the “Tidy Towns Competition” in Perth.

#### Background

The Council at its December 2015 Ordinary meeting set dates, times and location for Council and Committee meetings for the 2016 Calendar year.

For the month of September 2016 the following meeting was scheduled:

- 23 September 2016 Ordinary Council Meeting

#### Statutory Environment

##### Local Government (Administration) Regulations 1996

##### Reg 12(1)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
- (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

##### Reg 12(2)

- (1) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).
- 1.

##### Local Government Act 1995

#### 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; and
  - (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.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
- (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than — (i) the time prescribed for the purposes of this paragraph; or (ii) if no time is prescribed, 7 days.

**Business Implications**

Nil

**Consultation**

Nil

**Comment**

That Council give consideration to changing the meeting date for the Ordinary Council Meeting scheduled for Friday 23 September 2016 to Friday 30 September 2016.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0707 Report on Change to Advertised Meeting Date – Ordinary Council Meeting**

That Council in accordance with Regulation 12(2) of the local government (Administration) Regulations 1996 give local public notice in accordance with Section 1.7 of the Local Government Act 1995 to change the following meeting date:

- Ordinary Council Meeting, the date be changed from 23 September 2016 to 30 September 2016.

Moved: Cr R Valenzuela

Seconded: Cr J Kanny

Motion put and carried 4/0

**11.4.2 Report on Matters Outstanding as at 14 July 2016**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 July 2016
Attachments	Nil
(Yellow Cover)	

**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.

<b>MATTERS OUTSTANDING</b>			
<b>MEETING DATE</b>	<b>ITEM REFERENCE</b>	<b>RESOLUTION</b>	<b>CURRENT STATUS</b>
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. Council at its meeting held in June 2016 resolved to quash the GRV and UV general rates in their entirety and instructed Civic Legal to file the application to SAT.
		<b>1/.</b> 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.	
		<b>2/.</b> 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 prepare a funding application for the following project - The upgrade and extensions to the Shire of Yalgoo Information, Arts and Cultural Centre.	Appropriate consultants have been engaged to prepare the application for funding by the due date. To be completed in July 2016. Application lodged and awaiting a response from funding body.
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 July 2016. Application to be submitted when application round opens.
19-February-2016	Technical Services Report:	The CEO organise an appropriate meeting to investigate the use of solar panels in Yalgoo.	Visit arranged for 29 August 2016 in Carnarvon.
27-May 2016	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: <b>1.</b> To forward this Council Decision and the Report No. 11.4.3 – to the 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" to the Shire of Dalwallinu and additionally submit it as a media release to the local papers.	Media release has been prepared and is to be agreed upon by Elected Members prior to forwarding to local newspapers. Letter to the Shire of Dalwallinu prepared and sent.
27-May-16	Prepare a Local Law for the Recovery of Costs from Damage to the Shire of Yalgoo Properties.	That Council request the CEO to investigate the legal requirements to create a Local Law to recover the costs associated with damage to Shire property and infrastructure.	Matter to be investigated and Report to be prepared for council consideration.
27-May-16	Review of Bulldust publication.	<b>1.</b> 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: <ul style="list-style-type: none"> <li>• Ways of improving the content of the publication;</li> <li>• The regularity of the publication;</li> <li>• Current Annual production costs;</li> <li>• Current staff resources; and</li> <li>• Additional resources required and associated estimated costs.</li> </ul>	Report N <sup>o</sup> 11.4.5 is included in this Agenda for consideration.



27-May-16	Tourism	As per Notice of Motion - 12.1.5(5) Council Decision C2016-0515 - that the Chief Executive Officer prepares a report on the current tourism strategy for Yalgoo. In particular the report to address the following matters: <b>a.</b> Improvements to be made to tourist attractions: (Church, museum, Jokers Tunnel, railway building etc). <b>b.</b> Future plans to encourage tourism. <b>c.</b> Possible access to funding to aid tourism.	Report N <sup>o</sup> 11.4.7 is included in this Agenda for consideration.
17 June 2016	Assessment of Development Applications. For proposed advertising signage Lot 135 Piesse Street, Yalgoo.	That Council will be forwarded a report for consideration from the Shire’s Town Planning Consultant URBIS on which to base an assessment.	Awaiting on a report from the Shire’s Town Planning Consultant URBIS.
17 June 2016	“Predominantly Women’s Week”.	That Council request the CEO to action and prepare a report on the “Predominantly Women’s Week” and deliver the outcomes and cost implications to Council at the next Ordinary Meeting of Council on 22 July 2016.	Report N <sup>o</sup> 11.4.6 is included in this Agenda for consideration.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0708     Report on Matters Outstanding as at 14 July 2016**

**That Council receives Report N<sup>o</sup> 11.4.2 Report on Matters Outstanding as at 14 July 2016.**

**Moved: Cr J Kanny**

**Seconded: Cr G Trenfield**

**Motion put and carried 4/0**

**ADJOURNMENT:     *Lunch 12:34 pm – 1:26 pm.***

The meeting adjourned at 12:34 pm for lunch.

The Shire President, Neil Grinham re-opened the Ordinary Meeting at 1:26 pm.

Remaining in the meeting were:

- Cr Neil Grinham, Shire President
- Cr Raul Valenzuela, Deputy Shire President
- Cr Joanne Kanny
- Cr Gail Trenfield
- Silvio Brenzi, Chief Executive Officer (CEO)
- Vince Catania MLA, Guest
- Karen Malloch (EA)



## Statutory Environment

### Local Government Act 1995

#### s6.33. 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.

#### s6.35. Minimum payment

- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.

## Financial Implications

Council is required to raise different rates to meet its total expenditure commitments.

## Consultation

Nil

## Comment

A submission was received from McMahon Mining Title Services stating the following:

### **SUBMISSION REGARDING INTENTION TO LEVY DIFFERENTIAL RATES 2016-17**

We act for a number of exploration and prospecting companies in WA and thank you for the opportunity to make a general submission regarding the proposed rates for 2016-17.

While we warmly welcome the separate rate category and minimum for Exploration/Prospecting Licences, we remain concerned by the high rate-in-dollar proposed and ask the Shire to consider a reduction to an equivalent rate-in-dollar to pastoral/rural properties (currently 322% of this rate).

#### **Lower usage and demand on Shire infrastructure and services**

Although the rate-in-dollar for Exploration/Prospecting Licences is 55% that of Mining Leases, it remains more than three times the UV Pastoral/Rural rate-in-dollar. While Mining Leases may generate a higher volume of traffic on roads and demand on other Shire infrastructure and services than pastoral/rural properties and justify a higher rate, the same cannot be said of Exploration/Prospecting Licences.

Mining Leases are granted to facilitate the extraction of an identified resource. Exploration/Prospecting Licences only allow for preliminary work for the purpose of identifying such a resource. These licences do not accord rights of production or resource development, and there are limits on the total material (including overburden) that may be removed over the whole term of a licence. As such, these licences are not characterised by the same traffic volumes or weights.

Due to the remoteness of many properties, long waits for exploration, environmental and heritage access and work approvals, contractor availability and variant weather conditions, in many instances these licences lie vacant for long periods. When work is conducted, it generally comprises of small teams conducting field reconnaissance, mapping, geophysics, collection of rock chip and soil samples, aerial surveying, and short isolated drilling of only the most promising targets.

Exploration/prospecting programs are normally of low intensity and short duration with minimal impact on Shire infrastructure. Despite being levied more than three times the rate-in-dollar than pastoral/rural properties, no evidence has been provided to support a notion that exploration/prospecting properties in the Shire have a greater impact on Shire infrastructure or receive extra services as compared to pastoral/rural properties. Without specific figures from the Shire we are unable to comment on the extent and level of costs associated with the administration of Exploration/Prospecting Licences as compared to pastoral/rural properties.

Furthermore, in the case of Prospecting Licences we note the rate-in-dollar (0.23250620) proposed by the Shire is higher than the rate-in-dollar (0.20) levied by the State Government for rent. It seems somewhat illogical that the cost for the primary (and exclusive) right granted by the State Government to minerals on its land could be less than a secondary Local Government fee for the right to access its infrastructure – infrastructure we note the community as a whole including visitors are entitled to access.

**The state of the exploration sector and capacity to pay**

The mining and exploration sector have suffered significantly from plummeting commodity prices (for instance according to the Reserve Bank of Australia’s Index of Commodity Prices, as at January 2016 commodity prices were \$84.2, the lowest since 2005), massive unemployment, reduced international competitiveness and capital investment, lower discovery rates, lower grades and deeper deposits, and higher production and operating costs. Companies have implemented extensive cost-cutting programs to maintain viability, with exploration expenditure hit hardest.

The Department of Mines and Petroleum noted that during the 2014-15 year in WA, exploration expenditure fell by 22% from the previous year. This represents the lowest level of expenditure since 2006–07. In 2014–15, the number of Exploration Licences in WA fell by 15%, while the area of land covered by Exploration Licences fell by 20%.

Unlike mining companies, exploration companies do not make profits extracting commercial quantities of resources. At the exploration stage, they are investing significant funds with minimal returns, only turning a profit if they discover a commercially viable resource and convert to a Mining Lease. Exploration companies are equity funded and have limited cash flow and we note the BDO Accountants Quarterly Explorer update for December 2015 indicated that of 754 ASX listed companies 77% had less than 6 months of cash reserves.

We ask the Shire to consider reducing the rate for Exploration/Prospecting Licences, reflective of their significantly lower use of Shire infrastructure and services and the sector’s reduced capacity to pay. The increase in rates by shires in WA is a matter of serious concern for our clients and I would be happy to discuss this matter further and can be contacted on (08) 6467 7997.

Rate in the \$	Number of Properties	Rateable Value	Rates Levied
0.23250620	111	\$751,154.00	\$174,648.00
<b>Minimum</b>			
\$300 pa	58	\$ 40,630.00	\$ 17,400.00
<b>Total</b>	<b>169</b>	<b>\$791,784.00</b>	<b>\$192,048.00</b>

The Shire proposes to levy the following rates for the differential rating category “Exploration / Prospecting”.

The rates levied for this category represents 10% of the total rates to be levied by the Shire. Of the 169 properties, 58 will be levied the minimum rate of \$300 pa and 111 properties will be levied \$15.73.00 pa on average. The rate in the dollar for this category differentiates it from mining tenements and acknowledges that less Shire resources are utilised by this category.

The Shire sets a rate in the dollar to achieve rating equity and to raise the revenue required to meet its projected shortfall. The rates imposed are not a fee for service and does not take into account the economic factors and the profitability of exploration companies and/or individuals.

## Voting Requirements

Simple Majority

### OFFICER RECOMMENDATION/COUNCIL DECISION

#### C2016-0709 Differential Rating 2016-17 – Proposed Rates and Minimums

That Council:

1. Notes the submission received from McMahon Mining Title Services;
2. Make an application to obtain Ministerial approval for the following:
  - I. To adopt rates in the dollar that exceed the 2:1 rates required pursuant to Section 6.33 (3) of the Local Government Act 1995, namely;

▪ UV Mining/Mining Tenement	41.66623 cents;
▪ UV Exploration and Prospecting	23.25062 cents;
  - II. To impose a minimum rate of \$640.00 on vacant land in accordance with Section 6.35 (5) of the Local Government Act 1995.

Moved: Cr R Valenzuela

Seconded: Cr G Trenfield

Motion put and carried 4/0

#### 11.4.4 Write-off Rates Outstanding

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 July 2016
Attachments	Nil
(Yellow Cover)	

#### Matter for Consideration

That Council give consideration to the write off of outstanding rates amounting to \$1,890.44.

#### Background

The Rates/Finance Officer has endeavoured to recover all outstanding rates in accordance with the procedure set in Policy 7.4 “Outstanding Rates”.

#### Statutory Environment

*Local Government Act 1995*

#### 6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
    - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
    - (b) waive or grant concessions in relation to any amount of money; or
    - (c) write off any amount of money, which is owed to the local government.
- \* Absolute majority required.
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
  - (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
  - (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

#### Business Implications

##### *The Shire of Yalgoo Policy Manual*

##### *Policy 7.4 Outstanding Rates*

- s2. Subject to an agreement, the following process is to be followed for the recovery of outstanding rates and service charges. Legal proceedings will continue until payment of the rates and service charges are made in full –
  - a) Issue Final Notices –
    - (i) A Final Notice is to be issued 14 days after the due date, to those persons who have made either no payment, or insufficient payment to cover the first instalment. The Final Notice is to specify that the ratepayer/s have seven (7) days to pay in full or to enter into a special repayment arrangement.
    - (ii) Final Notices are not to be issued to eligible persons registered to receive the pensioner rebate under the Rates and Charges (Rebates and Deferments) Act

1992 as such persons have until 30 June in the year of rating to make payment, without incurring any late payment penalties.

b) Debt Collections –

- (i) After (7) days has expired and no action has been recovered all rates and charges are to be sent to Council’s debt collector.
- (ii) The debt collector will follow a process to collect outstanding monies.
- (iii) The debt collector, if unable to collect outstanding rates and charges will advise the rates officer.
- (iv) The rates officer will present this to the Deputy Chief Executive Officer who, in liaison with the Chief Executive Officer, will issue the debt collector an instruction to proceed with legal action.
- (v) Should the debt collector not be able to collect the rates and charges then:

**Consultation**

Nil

**Comment**

The following amounts are recommended for write off:

Assessment N <sup>o</sup>	Ratepayer	Amount	Comment
832	Nicholas Kay	\$ 135.51	The Tenement is subject to Probate and Tenement P59/01826 expired on 17.12.2015. Rates levied \$270.00. Credit Note \$145.33
1860	Bislo Resource Pty Ltd	\$ 129.84	No response to any notices issued have been received. Tenement was surrendered on 24.12.2015. Rates levied \$270.00. Credit Note \$144.32
1272	Scott & Noelene Humfrey Yueh Ting Huang & Joel Martin	\$1,625.09	Recovery action taken resulted in Yueh Ting Huang & Joel Martin paying their 25% have legal costs incurred amount \$1,442.76. No response received from part owners Scott & Noelene Humfrey.
1788	Venus Metals	\$4,500.00	Venus Metals applied for a Retention Licence and were awaiting Mines Department approval. In the meantime interest accrued on the outstanding amount. The \$4,500 represents accrued interest for consideration to be written off.





**11.4.5 Improve the Form, Structure and Appearance of the Shire of Yalgoo Publication the “Yalgoo Bulldust”**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 July 2016
Attachments (Yellow Cover)	<ul style="list-style-type: none"> <li>Draft copy of revised format of the “Yalgoo Bulldust”.</li> </ul>

**Matter for Consideration**

That Council give consideration to the report on improving the form, structure and appearance of the Shire of Yalgoo Publication the “Yalgoo Bulldust”.

**Background**

Council at its Ordinary Meeting on 27 May 2016 requested that the CEO prepare a report on improving the form, structure and appearance of the Shire of Yalgoo Publication the “Yalgoo Bulldust” and in particular for the report to address the following matters:

- Ways of improving the content of the publication;
- The regularity of the publication;
- Current annual production costs;
- Additional resources required and associated estimated costs.

**Statutory Environment**

Nil

**Business Implications**

Nil

**Consultation**

Nil

**Comment**

The Council requested that the report address the following matters:

- 1). Ways of improving the content of the publication;  
Attached is a draft copy of the revised format for the “Yalgoo Bulldust” for consideration and was previously distributed to elected members.
- 2). The regularity of the publication.  
It is recommended the Yalgoo Bulldust be published on a quarterly basis in order to ensure that the content is new and interesting in every issue.
- 3). Current annual production costs.  
The table below details the estimated cost of producing the Yalgoo Bulldust on a per issue basis.

Expenditure	Amount \$
Salaries (20 hrs x \$ 28.33 per hour)	\$566.60
Labour on costs (salaries x 20% on cost or AL, LSL, Super etc)	\$113.32
Photocopying (16 pages x 50 cents)	\$ 8.00
Postage (50 copies)	\$ 50.00
<b>Total</b>	<b>\$737.92</b>

- 4). Current Staff Resources.  
The “Yalgoo Bulldust” is currently produced in-house and is compiled by the utilisation of the following staff: - Technical Services Officer
- 5). Additional resources required and associated estimated costs.  
The current procedures will apply in the production of future issues of the “Yalgoo Bulldust” with no additional resources anticipated to be required.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Improving the Form, Structure and Appearance of the Shire of Yalgoo Publication the “Yalgoo Bulldust”.**

That Council:

1. Approves the format of the “Yalgoo Bulldust” publication as per the attachment to this report;
2. Confirms that the “Yalgoo Bulldust” be published on a quarterly basis;
3. Produces the “Yalgoo Bulldust” in-house by utilising the current staff resources.

Moved: Cr R Valenzuela

Seconded: Cr G Trenfield

Motion amended

Cr R Valenzuela requested that a “feedback form” be incorporated in the publication of the “Yalgoo Bulldust”, and that Council give consideration to amending the Officer’s Recommendation accordingly. With the agreement of the mover Cr R Valenzuela and seconder Cr G Trenfield, the Officer’s Recommendation be amended and the Council Decision follows.

It was then moved:

**COUNCIL DECISION**

**C2016-0711 Report on Improving the Form, Structure and Appearance of the Shire of Yalgoo Publication the “Yalgoo Bulldust”.**

That Council:

1. Approves the format of the “Yalgoo Bulldust” publication as per the attachment to this report;
2. Confirms that the “Yalgoo Bulldust” be published on a quarterly basis;
3. Produces the “Yalgoo Bulldust” in-house by utilising the current staff resources; and
4. Include an additional item – a “Feedback Form” in the “Yalgoo Bulldust”.

Moved: Cr J Kanny

Seconded: Cr R Valenzuela

Motion put and carried 4/0

### 11.4.6 Report on “Predominantly Women’s Week” Program.

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 July 2016
Attachments (Yellow Cover)	<ul style="list-style-type: none"> <li>• Progress Report on the “Predominantly Women’s Week” Program.</li> </ul>

#### Matter for Consideration

That Council give consideration to the “Predominantly Women’s Week” Program.

#### Background

Council at its Ordinary Meeting held on 17 June 2016, adopted the following resolution:  
*“That Council request the CEO to review and prepare a report on the “Predominantly Women’s Week” and deliver the outcomes and cost implications to Council at the next Ordinary Meeting of Council on 22 July 2016”.*

#### Statutory Environment

Nil

#### Business Implications

Nil

#### Consultation

Ms Linaire Hodge, the Shire of Yalgoo Community Youth Development Coordinator.

#### Comment

The Shire of Yalgoo Community Youth Development Coordinator, has prepared a detailed progress report on the “Predominantly Women’s Week” Program.

Outcomes of the program are summarised as follows:

- Participants “grew” as individuals as well as a group;
- As a result of the program, fathers spend time with their partners and children interacting and undertaking positive activities;
- Healing and understanding of being strong independent women;
- Being more tolerant and cooperative with one and all;
- Young and old participated in all workshops in particular the sharing of their stories with each other;
- Building a happier, healthier community in Yalgoo.

Cost of the program is summarised as follows:

<b>Expenditure</b>	<b>Estimates of Cost \$</b>
<b>Shire Expenditure</b>	
Food	\$1,000.00
Decorations for Hall	\$ 500.00
Bush Medicine	\$ 100.00
Interfloral Creations	\$1,200.00
Catering	\$ 500.00
<b>MEEDAC Expenditure</b>	
Jewellery Maker	\$1,134.00
Cultural Advisor	\$1,056.00
Hairdresser	\$2,000.00
Beautician	\$ 773.00
Psychologist	\$1,260.00

The above-mentioned cost of the program was funded from the following sources:

Shire of Yalgoo	\$3,300.00
MEEDAC	\$6,223.00

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0712    The “Predominantly Women’s Week” Program**

**That Council receive Report N<sup>o</sup> 11.4.6 on the Report on the “Predominantly Women’s Week” Program.**

**Moved: Cr G Trenfield**

**Seconded: Cr J Kanny**

**Motion put and carried 4/0**

### 11.4.7 Report on Tourism Strategy for Yalgoo

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 July 2016
Attachments (yellow cover)	<ul style="list-style-type: none"> <li>• Forecast Capital Projects,</li> <li>• Heritage Strategy.</li> </ul>

#### Matter for Consideration

That council give consideration to the report on the current tourism strategy for Yalgoo. In particular, addressing improvements to be made to tourist attractions; future plans to encourage tourism and possible funding to aid tourism.

#### Statutory Environment

Nil

#### Consultation

Tanya Henkel – Heritage Advisory Service

#### Background

The Mid West Development Commission and Regional Development Australia in collaboration with the Department of Planning and the Mid West Tourism Alliance engaged Evolve Solutions to prepare a regional tourism development strategy to grow Mid West tourism during 2015-2025. The ultimate objective of this study was to identify tourism opportunities, game changers, priorities, and gaps for the Mid West region to inform future development and investment. Extensive consultation and analysis concluded that the Mid West is underperforming as a tourist destination in that its potential is not being realised.

The strategy focuses on five key areas:

1. Increasing accommodation capacity from camping through to resorts;
2. Opening up day use sites-places previously overlooked or under-developed to enhance the Midwest's appeal as a destination;
3. Improving the quality and distribution of information for pre-trip planning and way finding;
4. Attracting more high-yield visitors and the growing self-drive and RV market; and
5. Increasing the range of Aboriginal and eco nature based tourism activities, attractions and experiences.

The Action Plan for the Shire of Yalgoo detailed in the study states the following

1. Investigate with CMCA (Campervan and Motorhome Club of Australia) the gaps to address for Yalgoo to achieve 'RV friendly Town' status.
2. Investigate potential new day-use sites that have been overlooked, inaccessible or undeveloped.
3. Investigate a new food themed event- "Goat & Roo Festival".
4. Investigate Ridges, breakaways and prominent landforms as potential camp sites.
5. Create a geo cache trail in around town and / or at popular visitor sites.
6. Upgrade the Rotunda area next to the Shire offices into a day use visitor-picnic area.

The Shire in order to meet its statutory obligation in approximately 2012 engaged UHY Haynes Norton to prepare a Long Term Financial Plan (LTFP) for a period of 15 years, ending in 2028. A brief analysis of the forecast capital projects included in the LTFP does not reveal any allocations to the above mentioned Action Plan outcomes apart from the RV installation at the Caravan Park and the upgrade of the Rotunda area next to the Shire.

## Comment

It is clear that the LTFP of the Shire does not align with the Action Plans detailed in the Midwest Tourism Development Strategy for Yalgoo and whether this strategy needs to be followed and/or amended.

In April 2016 the Shire's consultant Dominic Carbone and Shire officer Steven Cosgrove met with the Heritage Advisory consultant Tanya Henkel. The following matters were discussed at the meeting, the Shire's heritage strategy, heritage tourism, funding opportunities, cultural tourism including regional geocaching project and walk & drive trails.

There was a general discussion regarding the value-adding nature of tourism to a local community and its economy. Heritage Trails (both drive trails and walk trails) together with the emerging GeoCache tourism were highlighted, with mention made that Mt Magnet are driving a current regional project in relation to the latter with a funding application pending. It was recommended that Yalgoo harness this opportunity as a worthwhile addition to its current tourism initiatives as it would encourage a different type of visitor. It was noted that heritage trail signage needs to be included under the umbrella of the Shire's asset management to ensure that the signage is kept in good order.

In addition, there was detailed discussion regarding the Shire owned heritage buildings and how best to manage the ongoing conservation needs of these assets in a remote location and on limited resources. Particular attention was focused on the Yalgoo Railway Station, the Yalgoo Courthouse and Gaol, the Dominican Convent Chapel of St Hyacinth and the Holy Trinity Anglican Church. It was agreed that the Shire was in need of a current summary of the condition of all four buildings together with a proposed schedule of works in order to prioritise its efforts and resources accordingly. As such Tanya will contact a Lottery west grants officer to discuss the Shire's proposal to see if such a project would be likely to receive funding under their Conservation of Cultural Heritage Grants Program and report back to the Shire.

It is important that value-added initiatives be explored to enhance the tourism experience in order to attract visitors to Yalgoo in the first instance but also encourage visitors to stay longer. The Caravan Park upgrade is evidence of this.

### Other initiatives undertaken by the Shire involve the following:

- The Emu Cup is an annual event undertaken by the Shire and is partly sponsored by Department of Regional Development./ WA Tourism and is a great attraction which involves both the Yalgoo community, visitors from neighbouring Shires and tourists who have an interest in Outback adventures. It is proposed that a previously filmed video showcasing the fun and activities at this particular event will be uploaded onto the Yalgoo webpage to advertise as the next upcoming event approaches in October 2016.
- The movie "Red Dirt" filmed in Yalgoo has a direct impact on Yalgoo Tourism. The success of "Red Dirt" premiering in places like the New York Film Festival, Corona Film Festival and The Alembra Theatre Film Festival, was a great way to put Yalgoo on the map, especially to people in the film/TV and media industry, a worldwide industry.
- Furthermore, the Yalgoo Shire has made a financial contribution to Prince-Wright Productions of \$5,000 and is in full support of another full-length feature film, "Decadence & Depraved" which begins shooting in Yalgoo in September 2016. Local community members and shire staff have been offered to take part in scenes requiring extras and the offer has been welcomed. This production, upon completion will circulate through film festivals and its success is promising.
- An allocation in the 2016-2017 draft annual budget will allow for a replacement shelter and visitors board at the railway station, shelter, seating and rubbish bin at Jokers Tunnel. An allocation has also been made for the sheeting of the entrance road to Jokers Tunnel in the draft budget. These improvements will be hugely beneficial as Jokers Tunnel, located 10 kilometres south of Yalgoo is one of the main tourist attractions of Yalgoo.
- An allocation in the 2016-2017 draft annual budget for two Long Term Accommodation Units at the caravan park. Tourists who plan to stay for up to 5 nights will find these Unit packages more

accommodating, as they will not only provide the luxury of a kitchen, there will also be a financial incentive for booking long stay accommodation.

The initiatives detailed above inclusive of those detailed in the Heritage Strategy will re-align to the Action Plan detailed in the Mid West Tourism Development Strategy for Yalgoo.

### **Voting Requirements**

Simple Majority

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

**C2016-0713     Report on Tourism Strategy for Yalgoo**

**That Council:**

- 1.     Receive Report No. 11.4.7 on Tourism Strategy for Yalgoo.**
- 2.     Aligns future initiatives to be undertaken to the Action Plan for the Shire of Yalgoo detailed in the Mid West Tourism Development Strategy.**
- 3.     Upload Yalgoo Festival video onto the Yalgoo webpage.**

**Moved: Cr R Valenzuela**

**Seconded: Cr J Kanny**

**Motion put and carried 4/0**

**11.4.8 Report on Caravan Park Statistics for the Period 1st July 2015 to 30 June 2016**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	18 July 2016
Attachments (Yellow Cover)	<ul style="list-style-type: none"> <li>Statistics for the 2015-16 Financial Year to 30 June 2016</li> </ul>

**Matter for Consideration**

That Council note the statistics on visitor’s numbers at the Yalgoo Caravan Park.

**Background**

Council have requested information on tourists that stay at the Yalgoo Caravan Park and these are to be reported on a quarterly basis. These statistics have been kept accurately since February 2014 when the caravan park managers were employed. Attached is a summary of the parks’ use and income for the 2015-2016 Financial Year to 30 June 2016.

**Statutory Environment**

Nil

**Business Implications**

Nil

**Consultation**

Fiona Newey

**Comment**

The statistics for visitors have only been accurately recorded since the appointment of permanent full-time caravan park managers. Prior to this date the statistics were garnered from accommodation receipt books and only recorded back to the start of the 13 -14 financial year. The attached worksheet details the statistics for the 2015-16 Financial Year to 30 June 2016.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0714 Report Caravan Park Statistics for the Period 1st July 2015 to 30 June 2016.**

**That Council notes the Caravan Park statistics on visitor’s numbers using the Yalgoo Caravan Park facilities during the 2015-16 Financial Year to 30 June 2016.**

**Moved: Cr J Kanny**

**Seconded: Cr R Valenzuela**

**Motion put and carried 4/0**



### 11.4.9 Report on Donation – Meekatharra School of the Air

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	18 July 2016
Attachments (yellow cover)	<ul style="list-style-type: none"> <li>Letter from “Meekatharra School of the Air Parents and Citizens Committee”.</li> </ul>

*Cr J Kanny declared an impartiality interest in the report on “Donation to the Meekatharra School of the Air” and left the room at 2.48 pm.*

#### Matter for Consideration

To Consider the Request for a Donation from the Meekatharra School of the Air.

#### Background

In June 2014 Council approved a donation to the Meekatharra School of the Air.

With a current enrolment of 35 students, Meekatharra is the largest of the five Schools of the Air in terms of school population. The boundaries of its 540 000 square kilometres stretch east of the Wiluna to the Northern Territory border, north to Newman, as far as Mullewa and in a southerly direction almost to Wubin.

The school caters for students in pre-school (four years old) through to year 7, with most of the students enrolled living on stations.

#### Financial Implications

The Shire has allocated in the Draft 2016-17 Annual Budget the sum of \$2,500 for educational initiatives.

#### Comment

The Parents and Citizens Committee is requesting financial assistance to send the year 5/6 students to Canberra in 2017, allowing them to experience the Australian capital city. The Shire of Yalgoo’s donation will be recognised on a memorial shirt to be made especially for the trip, with the Shire logo printed on it.

With the School of the Air covering such a wide area, the Shire’s recognition will be seen all over the Midwest and in Canberra.

As the 2016-17 Annual Budget is currently being prepared, it is recommended that the donation be made after Council has adopted the Budget.

#### Voting Requirements

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2016-0715    Report on Donation – Meekatharra School of the Air**

**That Council approves a donation of \$1,000.00 to the Meekatharra School of the Air for the purpose of sending the schools year 5/6 student to Canberra in 2017.**

**Moved: Cr G Trenfield**

**Seconded: Cr R Valenzuela**

**Motion put and carried 2/1**

**Attendance:** Cr J Kanny returned to the meeting at 3.01 pm.

**Attendance:** Cr R Valenzuela left the meeting at 3.03 pm.

Cr R Valenzuela re-joined the meeting at 3.04 pm.

#### 11.4.10 Shire of Yalgoo Honour Board

File:	
Author:	Silvio Brenzi, CEO
Interest Declared:	No interest to disclose
Date:	18/07/2016
Attachments	Nil
(Yellow Cover)	

#### Matter for Consideration

For Council to Determine the Eligibility of Name Placement on the Yalgoo Honour Board – Council Chambers.

#### Background

The Council Chambers currently displays a list of past Presidents, Deputy Presidents, Councillors and Shire Clerks (CEOs ). This board or register contains names of those that have served their community and worked for the Shire of Yalgoo since 1961 through to the current date.

#### 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.

#### Consultation

Dominic Carbone

#### Comment

As the title of this board suggests, names on this board have been included for honorary reasons. Rather than earning a place on the ‘Honour Board’ simply by default, it is recommended that Council identify the names placed in the Shire Clerk (CEO) category if they have been dismissed by Council. Council may wish to consider if all the current names on the board are to remain as currently listed or that names of the CEOs that have been dismissed by Council be identified with an asterisk (\*) next to their name with an explanatory note of “ *Dismissed by Council*” placed at the bottom of the Board.

#### Voting Requirements

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2016-0716** Change of Recording on the Yalgoo Honour Board.

**That Council modify the Yalgoo Honour Board by placing an asterisk (\*) next to the name/s of the CEOs (Shire Clerks), to identify the dismissal by the Council and an explanation note of “Dismissal by Council” be placed on the bottom of the Board.**

**Moved:** Cr R Valenzuela

**Seconded:** Cr J Kanny

**Motion put and carried 4/0**

## 12. NOTICE OF MOTIONS

### 12.1 PREVIOUS NOTICE RECEIVED

Nil

## 13. URGENT BUSINESS

Nil

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

### 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 19 August 2016 commencing at 11.00 am.

**16. MEETING CLOSURE**

There being no further business the President closed the meeting at 3.30 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

