



UNCONFIRMED MINUTES
OF THE ORDINARY MEETING
OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, YALGOO
ON 27 JANUARY 2017
COMMENCING AT 11.00 AM



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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, Yalgoo,
on 27 January 2017 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

Due to the Shire President Neil Grinham not being present the Deputy President Cr Raul Valenzuela opened and chaired the meeting.

The Shire Deputy President Cr Raul Valenzuela declared the meeting open at 11.00am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Raul Valenzuela, Deputy Shire President Cr Joanne Kanny Cr Gail Trenfield
STAFF	Silvio Brenzi, CEO Steven Cosgrove, Coordinator Governance & Technical Services (CGTS)
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	Cr Neil Grinham, Shire President Cr Bob Grinham

3. DISCLOSURE OF INTERESTS

Deputy President Cr Raul Valenzuela declared a pecuniary interest in 11.4.8 Report on Closure of Pedestrian Access Ways and Right of Ways.

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

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 MEETINGS ATTENDED BY ELECTED MEMBERS

Date	Details	Attended with whom
20/01/2017	Cr Jo Kanny – Wild Dog Working Group	Silvio Brenzi CEO , Dominic Carbone
26/01/2017	Australia Day Celebration	Cr Jo Kanny
26/01/2017	Australia Day Celebration	Deputy President Cr Raul Valenzuela
26/01/2017	Australia Day Celebration	Cr Gail Trenfield

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

COUNCIL DECISION

C2017-0101 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 16 December 2016 be confirmed.

Moved: Cr G Trenfield

Seconded: Cr J Kanny

Motion put and carried 3/0

9. REPORTS OF COMMITTEE

Nil

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).

10.1.1 Cr G Trenfield enquired about their being no national anthem sung at the Australia Day celebration. The CEO advised he would check protocols for all celebrations.

10.1.2 CR R Valenzuela expressed his concern to Council regarding broken lights and glass at the Water Park grounds.

10.1.3 CR R Valenzuela expressed his concern to Council regarding damage to ST John facilities. A discussion followed in relation to converting the Telstra Technology Fund to be used for CCTV around the townsite, and that the Shire would seek funding for further costings.

The CEO advised Council that re-allocation of the Telstra Technology Fund will be addressed at Budget Review.

10.1.4 Cr R Valenzuela expressed his concern regarding the fencing between the Rage Cage and

MEEDAC Office and that a letter be sent to MEEDAC Head Office requesting contribution to fence.

10.1.5 CR R Valenzuela enquired to arrange meetings with surrounding CEO's, members & O.I.C to discuss judicial decisions made and the ongoing illegal activity by lack of firm punishment by the courts. These items are to be forwarded to the Minister. The CEO advised of the M.E.G meeting in March 2017.

10.1.6 CR J Kanny and CR G Trenfield expressed their interest in attending Cue Parliament. The CEO advised he would supply the relevant information.

10.1.7 CR J Kanny shared information on training attendance for Councillors.

10.2 PRESENTATION

Nil

11 MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

Nil

11.1 TECHNICAL SERVICES

11.1.1 Progress Report on the Capital Works Program 2016 - 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	18 January 2017
Attachments	Nil

Matter for Consideration

To receive the Progress Report on the 2016 – 2017 Capital Works Program.

Background

The Shire in adopting its 2016 – 2017 Annual Budget has allocated funds amounting to \$3,182,204 for the purpose of acquiring capital assets and undertaking infrastructure works.

Statutory Environment

Nil

Strategic Implications

Timely delivering of the various capital projects which will deliver the objectives of the Community Strategic Plan.

Policy Implications

Nil

Financial Implications

To deliver the Capital Works Program within the budgeted allocations.

Consultation

Nil

Comment

The Capital Works Projects for the 2016-2017 financial year are detailed below

CAPITAL WORKS PROGRAMME 2016-17

The following assets and works are budgeted to be acquired or undertaken during the year:

		2016-17 ANNUAL BUDGET	2016-17 JULY-DEC BUDGET	2016-17 JULY-DEC ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	\$	\$	\$	
By Program						The CEO to provide a verbal update on the status of the capital projects as at 31 December 2016
Governance						
000000- Admin Cente - Refurbish Moming Tea / Public Meeting Room	F & E	5,000	0	0		To commence in January 2017
000000-Council Chamber Chairs Replacement	F & E	10,000	0	0		
000000-Council Chamber Improvements	F & E	5,000	0	5,302	(5,302)	TV purchased then anticipated
000000- Admin Centre - New Front Reception Counter	F & E	8,140	0	0		To commence in January 2017
000000- Admin Centre - Internal Painting	L & B	15,000	0	5,382	(5,382)	Partly complted part of the works carried out earlier then anticipated
000000- Admin Centre - Records Fit Coolroom Panel to Sea Container	L & B	16,800	0	0		Consultant Kim Boulton
C175103- Admin Centre - Covered Area Carpark	L & B	11,000	0	12,020	(12,020)	Project completed minor overexpenditure
000000- Motor Vehicle CEO	P & E	90,000	0	86,698	(86,698)	Purchased Savings \$ 3,302 purchased earlier then anticipated
C175001- Mobile Phones HCP and Caravan Park	F & E	0	0	2,160	(2,160)	Expenditure not in 2016-17 Budget authorised by Council as per Section 6.8 of the LG Act
C175002- Mobile Phone CGTS	F & E	0	0	1,368	(1,368)	Expenditure not in 2016-17 Budget authorised by Council as per Section 6.8 of the LG Act
C175203- Laptop HP Spectre CEO	F & E	0	0	2,599	(2,599)	Expenditure not in 2016-17 Budget authorised by Council as per Section 6.8 of the LG Act
Housing						
000000- Housing - Security Systems	F & E	60,248	0	0		
C175102-Staff Housing - 3 Storage Shed	L & B	17,400	0	17,710	(17,710)	Project completed minor over expenditure Budgetted \$17,400 works carried out earlier than anticipated
000000-Staff Housing - 19b Stanley Street Security Screens	L & B	2,000	0	0		
000000-Staff Housing - 6 Henty street Replace Carpet with Floor Board	L & B	7,000	7,000	6,042	958	Project complted
000000-Staff Housing - 8 Henty street Colorbond Fence Front	L & B	3,000	3,000	0	3,000	Project in progress
000000-Staff Housing - Power to 3 Storage Sheds	L & B	8,000	8,000	0	8,000	Project complted not yet invoiced
000000-Staff Housing -75 Weekes Street Landscaping	L & B	5,000	5,000	0	5,000	Project yet to commence
000000-Staff Housing -8 Henty Street Landscaping	L & B	5,000	5,000	0	5,000	Project yet to commence
000000-Staff Housing - 19b Stanley Street Floorboards, Gate,Skylight	L & B	4,500	4,500	0	4,500	Project yet to commence
Community Amenities						
C175101- Mobile Ablution Block	L & B	15,000	0	10,881	(10,881)	Project complted Budgetted \$15,000 Savings \$4,119 works carried out earlier than anticipated
Recreation and Culture						
000000 - Arts and Crafts Building	L & B	381,837	0	0		
C165233 - Community Hall - Detailed Plan for Renovations	L & B	10,000	0	5,308	(5,308)	Project completed savings \$4,692 Budgetted \$10,000
000000 -Community and Youth Centre CLGF 2012-13 Unspent	L & B	44,222	0	0		
000000- Kubota Utility Parks	P & E	28,000	0	0		
000000- Truck 3 Tonne Parks	P & E	64,000	0	57,390	(57,390)	Purchased savings \$6,610 purchased earlier then anticipated

CAPITAL WORKS PROGRAMME 2016-17

The following assets and works are budgeted to be acquired or undertaken during the year:

		2016-17 ANNUAL BUDGET	2016-17 JULY-DEC BUDGET	2016-17 JULY-DEC ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
			YTD	YTD		
000000- Replace Playground Equipment - Shamrock Park	Recreation	45,000	45,000	0	45,000	Project yet to commence
000000- New Fence - Shamrock Park	Recreation	5,000	5,000	0	5,000	Project yet to commence
000000 - 2 Replacement Irigation Pumps	Recreation	8,000	8,000	0	8,000	Project yet to commence
000000 - Community/ School Oval Shared Use Development	Recreation	400,000	0	0		
000000- Paynes Find Beautification	Other	78,658	78,658	0	78,658	Project yet to commence
000000- Paynes Find Solar Lights	Other	0	0	20,000	(20,000)	To be funded from Paynes Find Beautification above as approved by Council
Transport						
000000- Ablution Block Depot	L & B	20,000	20,000	0	20,000	Project yet to commence
000000- Electric Boundary Fence Depot	L & B	45,500	45,500	0	45,500	Project yet to commence
000000- Trailer Float Reconditioning	P & E	30,000	0	29,813	(29,813)	Project completed savings \$187 purchased earlier than anticipated
000000- Mobile Batching Plant	P & E	68,700	0	74,300	(74,300)	Project completed overspent \$5,600 purchased earlier than anticipated
000000- 3qm Agitator Truck Second Hand	P & E	35,000	0	27,727	(27,727)	Project completed underspent \$7,273 purchased earlier than anticipated
000000- Motor Vehicle Works Foreman	P & E	75,000	0	68,823	(68,823)	Project completed underspent \$6,177 purchased earlier than anticipated
000000- Works Truck	P & E	92,000	0	82,970	(82,970)	Project completed underspent \$9,030 purchased earlier than anticipated
ROADS TO RECOVERY GRANTS						
000000- Paynes Find Airstrip Fence	Other	45,000	0	0		
000000- Yalgoo/Morawa Road - Widen	Roads	400,000	400,000	0	400,000	Project yet to commence
000000- Yalgoo/Ninghan Road - Shoulder Binding	Roads	180,000	0	177,438	(177,438)	Project completed within budget estimates
000000- Yalgoo/Ninghan Road - Seal	Roads	212,310	212,310	0	212,310	Project yet to commence
000000- Yalgoo/Morawa Road - Reseal Program	Roads	5,255	0	0		Complted not yet invoiced
RRG SPECIAL GRANT RD WORKS						
C165106 - Yalgoo/Ninghan Road -Reform and Resheet to 8M Wide Slk 25-32	Roads	322,564	0	320,040	(320,040)	Project completed earlier then anticipated within budget estimates
C165105- Yalgoo/North Road -Reform and Resheet	Roads	142,350	0	320,109	(320,109)	Project completed overexpenditure
MUNICIPAL FUND						
000000- Warne River Crossover	Roads	20,000	20,000	0	20,000	Project yet to commence
000000- Ninghan Homestead Road Floodway Crossover	Roads	20,000	20,000	0	20,000	Project yet to commence
Economic Services						
000000- Caravan Park Multiple Store Shelving	F & E	1,200	1,200	0	1,200	Project yet to commence
000000- Caravan Park Washing Machine Replacement	F & E	0	0	2,450	(2,450)	Not budgetted replacement
C175104- Shade Structure Caravan Park	L & B	2,520	0	2,520	(2,520)	Project completed within budget estimates
000000- Caravan Park Sealing of Parking Bays and Driveways	L & B	22,000	0	0		
000000- Caravan Park Sealing of Rammed Earth Walls	L & B	15,000	0	0		Works in progress
000000- Caravan Park Auto Reticulation System	L & B	30,000	0	0		Obtaining quotations
000000- Shelter and Seating Jokker Tunnel	L & B	15,000	15,000	10,946	4,054	Material Delivered
000000- Shelter and Visitors Board at Railway Station	L & B	15,000	0	10,946	(10,946)	Material Delivered
000000- Entry Road Sheeting Jokker Tunnel	Other	15,000	0	0		Works in progress
		3,182,204	903,168	1,360,942	(457,774)	

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0102 Progress Report on the Capital Works Program 2016 - 2017

That Council receive the Progress Report on the Capital Works Program 2016 – 2017 as at December 2016.

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 3/0

11.50 am Meeting temporarily adjourned with the consensus of members.

Attendance: *11.50 am Cr J Kanny left the meeting.*

Attendance: *11.52 am Cr J Kanny re-joined the meeting.*

11.52am Meeting resumed with Cr G Trenfield, Cr J Kanny and Cr R Valenzuela in attendance.

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.2.1 Public Health Act 2016 - Delegations

File:	Public Health Act 2016
Author:	Bill Atyeo
Interest Declared:	No interest to disclose
Date:	18 th January 2017
Attachments	Nil

Matter for Consideration

Consider the Delegation required under the Public Health Act 2016

Background

The gazettal of the *Public Health Act 2016* on the 25th July 2016 represents a significant update and change to the implementation of environmental health legislation in Western Australia, replacing the *Health Act 1911*. As there is a significant amount of work required to transition to the new regulatory framework, the Department of Health (WA) has advised that implementation is to occur in a staged manner over the next 3 to 5 years.

The old *Health Act 1911* (which will be known as the *Health (Miscellaneous Provisions) Act 1911*), and all regulations made under the Health Act, will continue to be the main enforcement tool used by the Shire's Environmental Health Officers until the provisions of the new Act are proclaimed over the coming years.

There are five (5) stages of implementation, of which Stages 1 and 2 are already in effect and have no practical implications for local government. Stage 3 involves key elements of the administrative framework provided by Part 2 of the *Public Health Act 2016* coming into operation to replace the equivalent administrative framework provided by Part II of the *Health Act 1911*.

This includes gazettal of Environmental Health Officers to enforce the provisions of the Act within their local government authority and annual reporting requirements. Stage 3 is expected to occur on **24th January 2017**, with works needed to be undertaken to effect this transition within the Shire.

Stage 4 will adopt changes to the *Public Health Act 2016* relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and public health emergencies. Date for commencement is yet to be determined. No action by local government is expected during this implementation stage.

Stage 5 will be the most significant stage of implementation for enforcement agencies as it represents the point at which they move from the framework provided by the *Health (Miscellaneous Provisions) Act 1911* to the *Public Health Act 2016*. The development of new regulations under the *Public Health Act 2016* relating to environmental health matters will commence, and feature provisions for:

- the built environment
- water
- body art and personal appearances
- pests and vectors.

Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations and by-laws made under that Act will be repealed.

The following provisions will also commence with the enforcement provisions:

- Public Health Planning
- Public Health Assessments and
- Registration and licensing

Stage 5 will require substantial works by local government to implement this stage. The Department of Health has advised that it will be working closely with Local Government Authorities in the lead up to this stage, including consultation on the development of the required regulations.

All currently employed Environmental Health Officers will automatically be authorised officers and will continue to enforce both the new and the old public health legislation as the transition continues. However, implementation of Stage 3 requires that they must be provided a certificate of authority, to be produced on request. The Shire's authorised delegate is required to sign the certificate.

Using section 21(1)(b)(i) Part 2 of the new Public Health Act 2016, Council may delegate the powers and duties conferred on it to the Chief Executive Officer or an authorised officer of the Local Government. At this time, the effect of the delegation being sought is minor (sign the certificate), however as further provisions are gazetted to expand the powers of the *Public Health Act 2016*, this delegation will provide for the smooth implementation of these provisions as they are implemented.

Precedent for this is already in place for the Health Act (Delegation 30) which enables the CEO to act on behalf of Council in respect to the Act and associated Regulations. This includes initiating legal action on behalf of the Shire for breaches of the *Health Act 1911*. The current delegation will need to remain in place during the transition to the new *Public Health Act 2016*.

Statutory Environment

- Public Health Act 2016 - Section 312
- Public Health Act 2016 – Specifically Section 21(1)(b)(i) and (ii) and Section 21(2)
- Health Act 2011
- Local Government Act 1995.

Business Implications

Nil

Consultation

Department of Health WA
Chief Executive Officer – Silvio Brenzi

Comment

The designation of authorised officers and the appointment of EHOs is now the responsibility of Local Government (enforcement agency). The Department of Health no longer has a role in the designation or appointment of EHOs/authorised officers.

Once Stage 3 comes into effect, all designations must be made under the Public Health Act 2016, and no longer under the Health Act 1911 (to be renamed the Health (Miscellaneous Provisions) Act 1911).

Section 17 of the new Public Health Act 2016, provides Council the ability to appoint Environmental Health Officers/Authorised Officers without the need to apply for approval from the Health

Department of WA. As such Council will need to provide delegation to the CEO to carry out this new function.

Section 24 of the new Public Health Act 2016 provides Council the ability to designate a person or class of persons as Authorised Officers and to issue authority cards to those officers.

This function was previously carried out by the Health Department of WA. Council is now responsible and pursuant to Section 21(1)(b) may delegate the powers or duties to the Chief Executive Officer or an authorised officer designated by the Local Government and in accordance with Section 21(2) the delegation must be in writing.

Council currently engages an Environmental Health Officer. It is recommended that he be delegated the power and duties in accordance with Section 21(1)(b)(ii) of the Health Act 2016.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0103 Public Health Act 2016 - Delegations

That Council:

- 1. Pursuant to Section 21(1)(b)(ii) Part 2 of the Public Health Act 2016 delegates all the powers and duties conferred or imposed on the Shire by the Public Health Act 2016 to the Environmental Health Officer.**
- 2. Pursuant to Section 21(2) the delegation as per (1) above be in writing.**

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 3/0

11.3 FINANCE

11.3.1 Accounts for Payment December 2016

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 January 2017
Attachments	Nil

Matter for Consideration

Council approve the Accounts for Payment list for the period 1 December 2016 to 31 December 2016 as detailed in the report below.

Background

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer to present a list of accounts paid and/or payable to Council and such to be recorded in the minutes of the meeting.

Statutory Environment

Local Government Act 1995

6.10 Financial Management regulations

Regulations may provide for –

- a. The security and banking of money received by a local government’ and
- b. The keeping of financial records by a local government; and
- c. The management by a local government of its assets, liabilities and revenue; and
- d. The general management of, and the authorisation of payments out of –
 - I. The municipal fund; and
 - II. The trust fund, of a local government.

Local Government (Financial Management) Regulations 1996

13. Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc.
 1. If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –
 - I. The payee’s name; and
 - II. The amount of the payment; and
 - III. The date of the payment; and
 - IV. Sufficient information to identify the transaction.

2. A list of accounts for approval to be paid is to be prepared each month showing –
 - a. For each account which requires council authorisation in that month –
 - I. The payee’s name; and
 - II. The amount of the payment; and
 - III. Sufficient information to identify the transaction; and
 - b. The date of the meeting of the council to which the list is to be presented.
3. A list prepared under subregulation (1) or (2) is to be –
 - a. Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - b. Recorded in the minutes of that meeting.

Strategic Implications

Nil

Financial Implications

Nil

Consultation

Nil

Comment

The list of accounts paid for the period 1 December 2016 to 31 December 2016 are as follows:

SHIRE OF YALGOO
LIST OF ACCOUNTS PAID AND PAYABLE
FOR THE PERIOD 1 DECEMBER 2016 TO 31 DECEMBER 2016

DATE	PAYEE	PARTICULARS	AMOUNT
PAID			\$
02/12/2016	AFGR1 Equipment Australia Pty Ltd	E144015 · Parts & Repairs	1,721.85
02/12/2016	Agwest Machinery & Midwest Isuzu	E144015 · Parts & Repairs	53.00
02/12/2016	Australian Golden Outback	E132007 · Tourism Promotion	1,675.00
02/12/2016	Clarkes Washing Machine Repairs	E145060 · Office Equip Mtce	33.00
02/12/2016	Coates Hire.	E132026 · Emu Cup event	353.34
02/12/2016	Cockburn Cement Ltd	E122054 · Cement Products	2,266.00
02/12/2016	Core Business Australia Pty Ltd	E122301 · Flood Damage AGRN661	16,746.30
02/12/2016	David Roche	E113020 · Paynes Find Complex Expenses	597.03
02/12/2016	EventNation	E132026 · Emu Cup event	4,878.61
02/12/2016	Five Star Business Equipment & Comms	E145060 · Office Equip Mtce	22.00
02/12/2016	Hitachi Construction Machinery(Australia)	E144015 · Parts & Repairs	212.08
02/12/2016	Jason Signmakers	Sign Repairs/Replacement and flood damage project	20,625.00
02/12/2016	L.G.S.	E145115 · Insurance	677.78
02/12/2016	Midwest Chemical & Paper	E132005 · Caravan Park Expenditure	565.94
02/12/2016	Out of the Box Community Events	E132026 · Emu Cup event	6,647.68
02/12/2016	Pirtek Geraldton	E051010 · Fire Vehicles Expenses	28.09
02/12/2016	Pool & Spa Mart	E113090 · Water Park Mtce	795.00
02/12/2016	Silvio Brenzi	E145030 · Staff Training	535.39
02/12/2016	Staples Australia Pty Limited	E145045 · Printing & Stationery	73.90
02/12/2016	Steven Cosgrove.	E145110 · Telephone-Internet	50.00
02/12/2016	Sun City Plumbing	E132005 · Caravan Park Expenditure	803.00
02/12/2016	Totally Workwear Geraldton	E143055 · Protective Clothing	2,060.88
02/12/2016	Veolia Environmental Services	E101005 · Household Refuse Collection	4,555.94
02/12/2016	W & E Rowe Contractors	E122301 · Flood Damage AGRN661	20,457.25
02/12/2016	Wavecrest Projects Pty Ltd.	E091008 · Housing Expenses - R & M	825.00
02/12/2016	Wicked Prints	E132026 · Emu Cup event	858.00
08/12/2016	Payroll	Various	39,311.09
12/12/2016	W & E Rowe Contractors	E122301 · Flood Damage AGRN661	92,224.00
12/12/2016	Courier Australia	E115010 · Freight & Post (Books and parts and repairs)	188.44
12/12/2016	Freight Lines Group	Freight flood damage and cement products	3,239.17
12/12/2016	Yalgoo General Store.	Groceries, refreshments and minor purchases	236.58
12/12/2016	Austral Mercantile Collection Pty Ltd	E031020 · Debt Collection Costs	6,973.00
12/12/2016	Beaurepaires	E144010 · Tyres & Tubes	220.00
12/12/2016	Boekeman Toyota	E051010 · Fire Vehicles Expenses	2,162.22
12/12/2016	Civic Legal	E145090 · Legal Expenses	632.50
12/12/2016	Duxton Hotel	E145070 · Conference Expenses	2,468.90
12/12/2016	EventNation	E132026 · Emu Cup event	14,926.76
12/12/2016	Geraldton Trophy Centre	Members Expenses Other and Printing and Stationery	98.50
12/12/2016	Hallinan Refrigeration & Airconditioning	E145060 · Office Equip Mtce	1,786.72
12/12/2016	Linaire Hodge.	E132118 · HCP Project Activity Expenses	28.00
12/12/2016	Mt Helena IGA	E132131 · HCP Camps and Trip Expenses	179.99
12/12/2016	Murchison Regional Vermin Council	E131010 · Vermin Control - MRVC Contributions	20,298.30
12/12/2016	Neil Grinham	Members Meeting Fees and Travel	335.82
12/12/2016	Pickles Auctions	E145085 · Consultancy Asset Revaluations of plant	2,200.00
12/12/2016	Raul. Valenzuela	Members Meeting Fees and Travel	671.60
12/12/2016	Silvio Brenzi	E145030 · Staff Training	1,076.20
12/12/2016	Social Innovations Pty Ltd	E132026 · Emu Cup event Funding Proposal	2,200.00
12/12/2016	Staples Australia Pty Limited	E145045 · Printing & Stationery	125.62
12/12/2016	Totally Workwear Geraldton	E143055 · Protective Clothing	6.21
12/12/2016	Westside Painting Service	E132005 · Caravan Park Expenditure Painting	13,200.00
12/12/2016	Totally Workwear Geraldton	E143055 · Protective Clothing	22.91
15/12/2016	AllDecor	C175105 · Staff Housing- 6 Henty Floor	6,042.00
15/12/2016	Australian Golden Outback	E132007 · Tourism Promotion	3,697.76
15/12/2016	Australian Taxation Office	E145076 · Admin VRE (FBT)	1,887.00
15/12/2016	BOQ Asset Finance & Leasing Pty Ltd	E145060 · Office Equip Rental Photocopier	329.50
15/12/2016	Broadcast Australia Pty Ltd	E114006 · Rebroadcasting Mats/Contr	176.77
15/12/2016	Canine Control	E052015 · Animal Ranger Expenses	1,859.00
15/12/2016	Coates Hire.	E113027 · Yalgoo Hub - Covered Sports	436.98
15/12/2016	Courier Australia	Freight	416.78
15/12/2016	David Roche	E041040 · Refreshments & Receptions	210.00
15/12/2016	Department of Commerce	L01250 · BCITF Liability	4,251.25
15/12/2016	Devco Motor Body Builders	E144015 · Parts & Repairs	3,470.50
15/12/2016	DFES	L01258 · FESA Liability	4,110.90
15/12/2016	Dominic Carbone & Associates	E145085 · Consultancy Admin and Accounting	7,205.00
15/12/2016	Five Star Business Equipment & Comms	E145060 · Office Equip Mtce	2,251.02
15/12/2016	General Transport Equipment Pty Ltd	C175406 · Major Overhaul Float Trailer	32,794.52
15/12/2016	Geraldton Fuel Company	E144005 · Fuel & Oil	9,375.11
15/12/2016	Geraldton Toyota	E144015 · Parts & Repairs	1,109.63
15/12/2016	Griffin Valuation Advisory	E145085 · Consultancy Asset Valuations	8,079.69
15/12/2016	Hoppys Parts R Us	E144052 · Workshop consumables	334.96
15/12/2016	J R & A Hersey	E144052 · Workshop consumables	1,593.25
15/12/2016	Landgate	E031010 · Valuation Expenses	91.20
15/12/2016	Mach 1 Auto One	E144015 · Parts & Repairs	366.40
15/12/2016	Major Motors Pty Ltd	C175406 · Works truck	58,767.00

15/12/2016	Matthew McSporrn	E144045 · Licensing (Reg/Ins)	40.70
15/12/2016	MT Magnet Meats	E041040 · Refreshments & Receptions	105.00
15/12/2016	Mt Magnet Waste Disposal	E091008 · Housing Expenses - R & M	5,030.00
15/12/2016	Mullewa Engineering Services	E052005 · Animal Control Expenses	544.50
15/12/2016	Murdoch University	E052020 · Animal Sterilisation Program	1,100.00
15/12/2016	Neil Grinham	Members Meeting Fees , Travel and other Allowances	2,635.82
15/12/2016	Novus Autoglass Midwest	E145075 · Vehicle Expenses- YA 0 Repairs	88.00
15/12/2016	Paper Plus Office National	E145045 · Printing & Stationery	554.80
15/12/2016	Pemco Diesel Pty Ltd	E144015 · Parts & Repairs	1,533.56
15/12/2016	Pool & Spa Mart	E113090 · Water Park Mtce	122.60
15/12/2016	Protector Fire Services	Fire Control Paynes Find Complex and Fire Veh	457.44
15/12/2016	Silvio Brenzi	E116110 · Celebration Expenses Reimbursed Paynes Find	239.95
15/12/2016	Spotlight P/L	E132118 · HCP Project Activity Expenses	1,853.25
15/12/2016	Staples Australia Pty Limited	Printing and Stationery and Sundries	708.56
15/12/2016	Veolia Environmental Services	Household and Commercial Refuse Collection	4,005.94
15/12/2016	Yalgoo General Store.	Sundry supplies	1,327.50
15/12/2016	Yalgoo Primary School..	E132118 · HCP Project Activity Expenses	781.65
16/12/2016	Atyeo's Environmental Health Services PL	EHO Consulting	6,645.25
16/12/2016	Bunnings Building Supplies Pty Ltd	Workshop consumables and supplies for Airstrip	397.42
16/12/2016	Geraldton Toyota	E145146 · Admin Vehicle Servicing	117.10
16/12/2016	Great Northern Rural Services.	Supplies Abulution Block Airstrip,C/ Park & Workshop	1,055.61
16/12/2016	Home Additions & Improvements	E025.10 · Sign Reps/Replace	1,000.00
16/12/2016	Jason Signmakers	E025.10 · Sign Reps/Replace	114.40
16/12/2016	Moore Stephens (WA)	E145086 · Accounting Service	7,345.80
16/12/2016	Sun City Print	E145045 · Printing & Stationery	538.20
16/12/2016	Totally Workwear Geraldton	E145020 · Staff Uniforms	215.86
16/12/2016	Westrac Equipment Pty Ltd	E144015 · Parts & Repairs	2,505.87
16/12/2016	Yalgoo Hotel Motel	Accommodation external contractors and consultants	3,245.53
16/12/2016	Onedex Communications Pty Ltd	C175109 · Solar Lights Paynes Find	22,000.00
22/12/2016	Payroll	Various	39,089.83
31/12/2016	Child Support Agency	L0140 · Child Support Payroll Deductions	416.20
31/12/2016	WA Shire Councils Union	L01334 · WA Councils Union.Payroll Deductions	123.00
31/12/2016	Shire of Yalgoo Municipal Fund	L0136 · Sundry Debt Repays Payroll Deductions	100.00
31/12/2016	Shire of Yalgoo Municipal Fund	L0136 · Sundry Debt Repays Payroll Deductions	100.00
05/12/2016	AMP Flexible Lifetime Super	E143035 · Superannuation Contributions	1,177.22
05/12/2016	Australian Super	E143035 · Superannuation Contributions	1,461.60
05/12/2016	Colonial First State	E145010 · Superannuation Contributions	953.05
05/12/2016	Concept OneThe Industry Superannuation F	E143035 · Superannuation Contributions	1,062.24
05/12/2016	WA Super	E145010 · Superannuation Contributions	19,895.23
08/12/2016	Horizon Power	E091007 · Housing Expenses - Utilities	410.52
08/12/2016	Pivotel Satellite Pty Limited	E143101 · Satellite phones	634.00
08/12/2016	Telstra Corporation Ltd	E145110 · Telephone-Internet	176.53
08/12/2016	The West Australian	E132026 · Emu Cup event advertising	957.69
14/12/2016	BOC Limited	E144052 · Workshop consumables gases	361.42
14/12/2016	Horizon Power	E145105 · Electricity	17,584.28
14/12/2016	Pivotel Satellite Pty Limited	E143101 · Satellite phones	634.00
14/12/2016	Telstra Corporation Ltd	E145110 · Telephone-Internet	8,250.67
14/12/2016	The West Australian	E145035 · Advertising	88.68
14/12/2016	Water Corporation	E091007 · Housing Expenses - Utilities	110.67
16/12/2016	Commander Australia Limited	E145110 · Telephone-Internet	39.95
12/12/2016	D J Piercy	E132005 · Caravan Park Expenditure	80.00
12/12/2016	Maximus Resources Ltd.	E031021 · Refunds Rates	286.37
12/12/2016	St John Ambulance WA Ltd	E143050 · Staff Training	3,184.00
12/12/2016	Target	E132118 · HCP Project Activity Expenses	420.00
16/12/2016	St John Ambulance WA Ltd	E132026 · Emu Cup event	1,265.00
16/12/2016	Target	E132118 · HCP Project Activity Expenses	2,406.00
16/12/2016	Tradewinds Hotel	E145030 · Staff Training	971.00
16/12/2016	WestCoast SeaFood	E041040 · Refreshments & Receptions	229.00
16/12/2016	BCITF	L01250 · BCITF Liability	5,800.00
15/12/2016	Shire of Yalgoo credit card	Transfer of funds from Mincipal Fund	27,800.00
15/12/2016	WA Treasury	Loan repayment No 53	10,863.07
16/12/2016	Shire of Yalgoo credit card	Transfer of funds from Mincipal Fund	3,300.00
21/12/2016	NAB	Bank Fees	69.99
28/12/2016	WA Treasury	Loan repayment No 55	13,371.88
30/12/2016	NAB	Bank Fees	205.16
			593,333.19

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0104 Accounts for Payment December 2016

That Council approve the list of accounts paid for the period 1 December 2016 to 31 December 2016 amounting to \$593,333.19 and the list be recorded in the minutes.

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 3/0

11.3.2 Report on Budget Amendment – Financial Contribution towards the Shearers and Pastoral Workers Social Club

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	16 January 2017
Attachments	Invitation

Matter for Consideration

That Council give consideration to making a contribution of \$2,000.00 towards the video production “Shearers – The Truck Days”

Background

Nil

Statutory Environment

Local Government Act 1995

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.

Shire Policy

7.7 Donations and Sponsorship

1. As a general practice, Council will restrict making donations of cash, materials and/or works to organisations which benefit the local community.
2. Sponsorship of individuals will not be considered, unless it is determined by Council that:
 - the person is representing the Shire as a community,
 - is acting for the Shire’s benefit to some extent, and
 - is authorised by a non-profit and non-government organisation which benefits the community.
3. The following Policy Schedules are adopted, and form part of this Statement –
 - 7.7 (a) – Request for Support.
 - 7.7 (b) – Criteria for Assessment of Requests

Business Implications

\$2,000.00 be contributed by the Shire towards the video production "Shearers – The Truck Days". Funds to be charged to Account E132007 – Tourism Promotion.

Consultation

Daryl Grey

Comment

The Shearers & Pastoral Workers Social Club is seeking a financial contribution to produce a video on an archival story to capture the era of shearing in WA from 1900 to 1960.

The video will be titled "Shearers – The Truck Days".

This video is designed to show case the memories and oral histories of the few remaining shearers and team staff members of this bygone era. The story will be told through interviews and a montage of archive photographs of the time. WA's leading television producer Ron Reddingius will, professionally produce this historic video. Ron has worked in television for more than 40 years and currently producers Channel 7 Perth's Home in WA.

Pre-production is planned for December with the shooting to commence January 2017.

All participants from shires, councils, business and individuals will all receive a credit acknowledgement at the conclusion of the story.

Council is requested to give consideration to making a \$2,000.00 contribution towards the production of the video on the basis that it will promote Yalgoo. The contribution to be charged to Account N^o E132007 - Tourism Promotion.

It is noted that this account has a budget allocation for the 2016-2017 Financial year of \$10,000 and expenditure to date is \$29,032. Adjustment to the Annual Budget to be undertaken when the Annual Budget Review is undertaken in February 2017.

Voting Requirements

Absolute Majority

The Presiding Member advised that Item 11.3.2 requires an Absolute Majority and on the basis that only 3 members were present at the meeting an Absolute majority could not be attained.

Based on the Presiding Members advice the Report be deferred to the next Ordinary Council Meeting to be held 24th February 2017. With the agreement of members present the item was deferred.

OFFICER RECOMMENDATION DEFERRED

Financial Contribution towards the Shearers & Pastoral Workers Social Club

That Council:

- 1. Make a contribution of \$2,000.00 to the Shearers & Pastoral Workers Social Club for the production of a video entitled “Shearers – The Truck Days”.**
- 2. Pursuant to Section 6.8 of the Local Government Act 1995 authorises the following expenditure contribution of \$2,000.00 to the video production “Shearers – The Truck Days”.**

Moved:

Seconded:

Motion put and carried/lost

11.3.3 Financial Activity Statements and Accounts Paid for the Period ended the 31 December 2016

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 January 2017
Attachments	<ul style="list-style-type: none">• Statement of Comprehensive Income ending the 31 December 2016;• Statement of current Financial Position;• Financial Activity Statement;• Summary of Current Assets and Current Liabilities as of 31 December 2016;• Detailed worksheets;• Other Supplementary Financial Reports:<ul style="list-style-type: none">○ Reserve Funds;○ Loan Funds;○ Trust Fund

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.

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

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

Dominic Carbone – Dominic Carbone & Associates

Comment

The Shire prepares the monthly financial statements in the statutory format along with the other supplementary financial reports comprising of:

- Statement of Comprehensive Income;
- Statement of Financial Position;
- Reserve Funds;
- Loan Funds; and
- Trust Fund.

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

C2017-0105 R34 (1) Financial Activity Statements for the Period ended the 31 December 2016.

That Council adopts the Financial Activity Statement for the period ended 31 December 2016.

Moved: CR G Trenfield

Seconded: Cr J Kanny

Motion put and carried 3/0

11.3.4 Investments as at 31 December 2016

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 January 2017
Attachments	Nil

Matter for Consideration

That Council receive the Investment Report as at 31 December 2016.

Background

Money held in the Municipal Fund of the Shire of Yalgoo that is not required for the time being may be invested under the Trustee Act 1962 Part III.

Statutory Environment

Local Government Act 1995

6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
 - (a) make provision in respect of the investment of money referred to in subsection (1); and
 - [(b) *deleted*]
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and
 - (d) provide for the application of investment earnings; and
 - (e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
 - (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —

authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
- (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

Strategic Implications

Nil

Consultation

Nil

Comment

The worksheet below details the investments held by the Shire as at 31 December 2016:

SHIRE OF YALGOO INVESTMENTS AS AT 31 DECEMBER 2016								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N ^o	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
MUNICIPAL FUND								
NAB	N/A	Operating a/c	50-832-4520	Ongoing	N/A	N/A	Variable	\$808,645.11
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$40,807.07
NAB	N/A	Term Deposit	89-977-1574	6 mths	16.10.2016	16.04.2017	2.55%	\$60,386.09
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$51,440.85
TOTAL								\$961,279.12
RESERVE FUNDS								
NAB	N/A	Term Deposit	97-511-445	5 mths 22 dys	16.09.2016	10.03.2017	2.60%	\$155,386.05
NAB	N/A	Term Deposit	89-972-5236	6 mths	16.10.2016	16.04.2017	2.55%	\$450,536.59
NAB	N/A	Term Deposit	11-186-3992	5 mths 19 dys	19.09.2016	10.03.2017	2.60%	\$1,028,730.92
TOTAL								\$1,634,653.56
TRUST								
NAB	N/A	Trust a/c	50-832-4559	Ongoing	N/A	N/A	Variable	
TOTAL								\$21,838.51

INVESTMENT REGISTER						
01 DECEMBER 2016 TO 31 DECEMBER 2016						
NATIONAL AUSTRALIA BANK						
ACCOUNT N°	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.2.2016	INVESTMENT TRANSFERS	CLOSING BALANCE 3.12.2016
86-538-7363	Ongoing	Variable	\$40,656.41	\$150.66	0	\$40,807.07.
89-977-1574	16.04.2017	2.55%	\$409,475.52	\$910.57	\$350,0000	\$60,386.09
24-831-4222	Ongoing	Variable	\$51,251.03	\$189.82	0	\$51,440.85
77-142-8128	10.03.2017	2.60%	\$153,109.12	\$2,276.93	0	\$155,386.05
89-972-5236	16.04.2017	2.55%	\$448,595.14	\$1,941.45	0	\$450,536.59
14-662-6305	10.03.2017	2.60%	\$1,013,656.59	\$15,074.33	0	\$1,028,730.92

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0106 Investments as at 31 December 2016

That the Investment Report as at 31 December 2016 be received.

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 3/0

11.4 ADMINISTRATION

11.4.1 Report 2017 Floodplain Management Australia National Conference to be held on the 16th - 19th May 2017 in Newcastle, NSW.

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	12 January 2017
Attachments	Nil

Matter for Consideration

That Council grant approval for the Shire President Cr Neil Grinham and Deputy President Cr Raul Valenzuela to attend the 2017 Floodplain Management Australia National Conference to be held in Newcastle, NSW on the 16th – 19th May 2017.

Background

Attendance at conferences enables elected members to make informed decisions on relevant matters to the Shire of Yalgoo. These opportunities also allow for significant networking opportunities with relevant departments and stakeholders. Yalgoo Shire President Cr Neil Grinham represents the Midwest Murchison and has participated in the event on an annual basis.

Statutory Environment

Nil

Business Implications

The approximate cost of the Shire President and Deputy President attending the conference are as follows:

Conference Registration Fees	
Member - Early Registration (each)	\$925.00
Regular Registration	\$1125.00
Accommodation	
2 people 5 nights	\$3,290.00
Flights	
Perth to NSW 2 people	\$1,256.00
NSW to Perth 2 people	\$1,256.00
Meals - 2 people	
Breakfast \$20 per day	\$200.00
Lunch \$30 per day	\$300.00
Dinner \$100 per day	\$1,000.00
Incidentals	<u>\$500.00</u>
Total Approximate Cost	<u> </u>
(Based on Early Registration)	<u><u>\$9,652.00</u></u>

Consultation

Nil

Comment

The FMA Conference has been held annually for over 50 years and is the most respected flood risk management event held in Australia.

This will be the 3rd Floodplain Management Australia National Conference and it is being held in Newcastle, NSW.

The conference will feature improvements to flood risk management since 2007, inspections of the Hunter Valley Flood Mitigation Scheme and the Newcastle Flash Flood Alert Service, which is the first of its kind in New South Wales. 2017 is also the 150th anniversary of the great flood which took place along the Hawkesbury-Nepean River in 1867.

It is therefore appropriate that the theme for this year's conference is "Preparing for the Next Great Flood", which looks at applying lessons from past floods and overcoming the challenges to helping our communities avoid future disasters.

To ensure the conference is relevant at national and individual state and territory levels it is guided by a Program Advisory Committee with representatives from every state and territory. This conference attracts a large number of practitioners who are working in or interested in floodplain risk management.

The conference will include outstanding Australian and international keynote speakers, plenary and concurrent presentations, a Local Government Councillors' session, national forum, field trips addressing floodplain issues in Newcastle and the Hunter Valley, as well as networking events

Council is requested to give consideration to grant approval for the Shire President and the Deputy President to attend the 2017 Floodplain Management Australia National Conference to be held in Newcastle, NSW on the 16 – 19 May 2017.

Voting Requirements

Simple Majority

Although CR J Kanny and CR G Trenfield moved the officers recommendation they expressed concern in regard to Council money being used for interstate travel to conferences.

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0107 Report 2017 Floodplain Management Australia National Conference to be held on the 16th -19th May 2017 in Newcastle NSW.

That Council grant approval for the President Cr Neil Grinham and Deputy President Cr Raul Valenzuela to attend the 2017 Floodplain Management Australia National Conference to be held in Newcastle NSW on the 16th - 19th May 2017.

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and lost 1/2

11.4.2 Council Delegates - Development Assessment Panel

Author:	Steven Cosgrove CGTS
Interest Declared:	No interest to disclose
Date:	12 January 2017
Attachments	<ul style="list-style-type: none">• Letter from the Department of Planning dated 4th January 2017

Matter for Consideration

To nominate Councillors as delegates to the Development Assessment Panel.

Background

The Development Assessment Panel came into being on 1 July 2011. Each DAP is comprised of five members: three specialist members and two local government members. The current memberships are due to expire on 26 April 2017.

Statutory Environment

Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011

Part 4 — Development assessment panels

Division 1 — DAP members

23. LDAP members

(1) *The members of a LDAP are —*

- (a) *2 persons appointed to the LDAP as local government members; and*
- (b) *3 persons appointed to the LDAP as specialist members.*

(2) *The members must be appointed in writing by the Minister.*

(3) *Regulation 24 applies to the appointment of local government members.*

(4) *Regulation 37 applies to the appointment of specialist members.*

24. Local government members of LDAP

(1) *Whenever it is necessary to make an appointment under regulation 23(1)(a), the Minister must —*

- (a) *in writing, request the local government of the district for which the DAP is established to nominate a member of the council of the local government for appointment; and*
- (b) *unless subregulation (2) applies, appoint the person so nominated.*

(2) *If, within 40 days after the date on which the Minister makes a request to a local government under subregulation (1) or such longer period as the Minister may allow, the local government fails to nominate a person for appointment in accordance with the request, the Minister may appoint under regulation 23(1)(a) a person who —*

- (a) *is an eligible voter of the district for which the LDAP is established; and*
- (b) *the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.*

(3) For the purposes of subregulation (2)(a) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.

Council Policy

Policy Statement

1. Council nominates the following people to the external organisations listed –
 - Murchison Vermin Regional Council
 - Murchison Country Zone of WALGA
 - Regional Road Group and sub-Group
 - Yalgoo LCDC
 - Crosslands Resources Community Liaison Committee
2. Nominations as Council representatives to external organisations are to be reviewed at the first meeting following the ordinary Local Government elections, and new nominations to be delegates until the meeting following the next ordinary Local Government elections, subject to the provisions of the Local Government Act.
3. Should a representative or deputy representative resign their nomination or become disqualified to continue as a Councillor, their nomination lapses immediately, and Council will decide a new nomination at the next meeting.
4. Subject to the Constitution or Rules of the Organisation, if precedence needs to be determined due to unavailability or for some other reason, the order of priority will be –
 - a) Council's nominated representative/s
 - b) Council's nominated deputy representative/s
 - c) President
 - d) Deputy President
 - e) Past Presidents in order of most recent retirement
 - f) Councillors in order of length of service
 - g) CEO

Financial Implications

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

Consultation

Nil

Comment

Council is requested to nominate four elected members, two local members who are to be representatives and two alternate local members to sit on Yalgoo's DAP as required as the current memberships are due to expire on 26th April 2017 and nominations are to be received by 28 February 2017.

The current local members on the panel are Cr R Valenzuela, Cr Neil Grinham and Cr Jo Kanny as the 1st alternate and ex Councillor Percy Lawson as the 2nd alternate member. As Cr Percy Lawson has now resigned from Council he is no longer a DAP elected member.

Current panel members can re-nominate for the position. All positions are for a period of 3 years and will expire between April - June 2020.

To be a local member the nominees will be required to provide names, addresses, and emails, mobile and land line telephone numbers, dates of birth, employer(s), position(s) and include curriculum vitae details for submission to the Government of Western Australia

It is mandatory, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications if they have not already had training.

If both local and alternative members are not re-elected then Ministerial approval will need to be sought for consideration of appointment.

Voting Requirements

Simple Majority

Although CR Neil Grinham was not present, Council determined that due to previous appointment to the DAP that CR Neil Grinham be nominated again as a local member.

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0108 Report on Council Delegates - Development Assessment Panel

That Council:

Nominates Cr R Valenzuela and Cr N Grinham as the local members and Cr J Kanny and Cr G Trenfield as the alternate local members of the Development Assessment Panel.

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 3/0

11.4.3 Report on the Review on Appropriateness and Effectiveness of Local Government Systems and Procedures – Regulation 17 Local Government (Audit) Regulations 1996

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 January 2017
Attachments	<ul style="list-style-type: none">• Separate Document - Civic Legal Report – Shire of Yalgoo Local Government (Audit) Regulations 1996 – Regulation 17 Review.

Matter for Consideration

That Council give consideration to the report prepared by the Shire’s Consultants Civic Legal on the review of the Appropriateness and Effectiveness of Local Government Systems and Procedures in relation to risk management, internet control and Legislative compliance.

Background

In 2014 the Local Government (Audit) Regulations 1996 were amended to insert Regulation 17. Council in September 2016 engaged the services of Civic Legal to undertake the review in order that the Shire meet its statutory compliance requirements.

A Report was partially prepared for consideration at the Audit Committee Meeting held on 16 December 2016, however the Consultant’s report was not received on time and the Committee resolved as follows:

“That Council defer the item to the January 27 Ordinary Council Meeting on the basis that the report was not ready and that all members are members of the Audit Committee.”

Statutory Environment

LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996 - REG 17

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

Strategic Implications

Nil

Financial Implications

The cost to be charged to Account N° E145085 – Consultancy.

Consultation

Civic Legal

Comment

The Executive Summary of the Review undertaken by Civic Legal, details the following:

1. This review was conducted to support the CEO in fulfilling his obligations under Regulation 17 of the Local Government (Audit) Regulations 1996. We carried out the review by first examining the overarching systems and procedures in the areas of legislative compliance, risk management and internal controls; this was followed by testing selected procedures pertaining to these areas. Our observations are recorded in the tables below.
2. We make the general observation that there are informal systems in place in your local government with regard to managing legislative compliance, risk management and internal controls. Many of these informal systems are based on the experience of the CEO, the Executive Management Team or an external contractor. Further, the CEO and the Executive Management Team manages the administration in a largely reactive way, rather than in any formal, structured way, in a manner not untypical of smaller local governments, in particular country ones. Those administrative tasks are not necessarily documented or driven by documentation.
3. While this approach allows for flexibility or nimbleness, it raises the issue of a loss of continuity if a key staff member is unable to attend work, there is a change of staff or the external contractor ceases to offer his services. These characteristics also mean that your local government is vulnerable to changes of CEO as the effectiveness of your systems will depend on the characteristics of the incumbent.
4. The CEO is to issue a report to the audit committee and may use the results of this review to support that report. The CEO may consider and adopt such of the findings of this report as he sees fit and must determine whether and if so, which findings and comments made by us can be a foundation for his own conclusions as to whether the systems and procedures of your local government are appropriate and effective for it.
5. We otherwise recommend that the CEO have regard to the observations in this report when considering whether the Shire's systems and procedures are sufficiently appropriate and effective for the Shire's particular situation.

In relation to the observations and commentary contained in the Consultant's Report, the following responses are provided:

1. The Shire for the past 2 years has been endeavouring to build the knowledge base of its small staff in relation to duties, responsibilities, and statutory legislative requirements in order to ensure that the Shire's compliance obligations are being met.
2. The Shire will always be dependent on 2 – 3 officers internally and external professionals when the expertise is not available in-house.
3. Procedures and processes are in place and are continually revised as the knowledge and skills of the Shire staff improves and reaches the desired levels. An on-going improvement strategy is in place. The Shire will always be exposed to some risks but the aim is to minimise the exposure.
4. The Shire's administrative staff comprises of the CEO and support staff, so over-reliance on a few is a way of life for a small local government. The Shire is currently working to upskill its staff including awareness and compliance of legislative obligations.
5. When Council Officers undertake their duties and responsibilities inclusive of preparing reports for Council consideration, the State Law Publisher website is used in order to ensure the most recent version of the legislation is used and amendments to legislations are picked up. Further assistance is obtained on a needs basis from solicitors and statutory bodies for accuracy of the information and interpretation.
6. The Shire routinely meets its legislative requirements however there are instances where the time lines set out in the legislation have not been met. Upskilling and the engagement of a full complement of staff will overcome this problem along with the Shire catching up on its backlog.
7. Shire processes are continually monitored through the business it routinely carries out and reports prepared for Council consideration. Checks are in place and Checklists will be introduced and monitored on a regular basis in order to ensure that Legislative requirements are being met inclusive of ensuring its registers are maintained and are up to date, its Local Laws are reviewed and staff are informed of their delegation requirements.

Voting Requirements

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0109 Report on the Review on Appropriateness and Effectiveness of Local Government Systems and Procedures - Regulation 17 Local Government (Audit) Regulations 1996

That Council:

- 1) Receive the Shire of Yalgoo Regulation 17 Review as prepared by Civic Legal.;**
- 2) Subject to (1) above, that Council endorses the CEO's comments detailed in this report; and**
- 3) That the CEO implements changes to processes and procedures and initiate relevant documentation to ensure that the desired outcomes are achieved and are appropriate for the Shires particular needs.**

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 3/0

11.4.4 Shire Support for the Proposal by Department of Land to Sell Part of Reserve 38039 - Part Lot 305 on Deposited Plan 45605 –Shire of Yalgoo

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 January 2017
Attachments	<ul style="list-style-type: none">• Letter Department of Lands• Deposited Plan 45605• Smart Plan• Statutory Declaration• Reserve 38039• Vesting Order

Matter for Consideration

To give consideration to supporting the excise of portion of the land from Reserve 38039 to allow the Department of Lands to sell it as a stand-alone lot to Outback Enterprises WA Pty Ltd (the owners of the Paynes Find Tavern) for the purpose of installing a self-bunded fuel tank high flow bowser to service large trucks.

Background

Reserve 38039 is vested in the Shire of Yalgoo for “recreation” purposes on an area of 8.2458 ha

Strategic Implications

Nil

Financial Implications

Nil

Consultation

Nil

Comment

Letter dated 4 January 2017 from the Department of Lands.

The letter requested the Shires’ advice as to whether it is supportive of the proposal to excise portion of the land from Reserve 38039, to sell as a stand-alone lot to Outback Enterprises WA Pty Ltd, (the owners of the Paynes Find Tavern), for the purpose of installing a self-bunded fuel tank high flow bowser to service large trucks.

The Shire is required to complete a Statutory Declaration if it supports the proposal.

The area to be excised is approximately 2.8 ha.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0110 Shire Support for the Proposal by Department of Land to Sell Part of Reserve 38039 – Part Lot 305 on Deposited Plan 45605 –Shire of Yalgoo

That Council:

- 1. Inform the Department of Lands that it supports the proposal to excise portion of Reserve 38039 for the purpose of installing a self-bunded fuel tank high flow bowsers to service large trucks.**
- 2. Subject to (1) above the CEO be authorised to complete and sign the Statutory Declaration.**

Moved: Cr G Trenfield

Seconded: Cr J Kanny

Motion put and carried 3/0

ADJOURNMENT: *Lunch 12.29pm – 1.02pm*

The Presiding Member CR Deputy President Raul Valenzuela adjourned the meeting for lunch at 12.29pm

Mover: CR J Kanny

Seconder: CR G Trenfield

Carried 3/0

The Presiding Member CR Deputy President Raul Valenzuela re-opened the Ordinary Meeting at 1.02pm

Mover: CR J Kanny

Seconder: CR G Trenfield

Carried 3/0

Remaining in the meeting were:

Cr Raul Valenzuela, Deputy Shire President

Cr Gail Trenfield

Cr Jo Kanny

Silvio Brenzi, Chief Executive Officer (CEO)

Steven Cosgrove, Coordinator Governance & Technical Services (CGTS)

11.4.5 Report on Matters Outstanding as at 27 January 2017

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 January 2017
Attachments	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 Jan 16	2014-2015 Budget- Imposition of Rates and Minimum Proposal Requiring Ministerial Approval	That Council:	Letter sent to DLGC asking Ministerial approval for rates in the dollar that exceed 2:1.
		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 Jan 16	Application for Funding Round Five of the Heavy Vehicles Safety and Productivity	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	Paperwork completed. Funding Round opened 18 th January 2017 Application has been submitted.

	Program.	Program.	
18 Aug 16	Establishment of an Emergency Services Training Centre in Yalgoo.	That Council engage the services of a suitable consultant to undertake a review of the Business Case for the construction of a Volunteer Emergency Services Training and Operations Centre/VESTOC in Yalgoo	Consultant yet to be engaged.
30 Sept 16	Wild Dog Bounty Scheme	Council resolved to form a working group comprising 3 elected members, the CEO and an independent advisor.	Meeting of the Working Group held on 20 th January 2017. Matter subject of a report in this Agenda.
27 Oct 16	Employees Collective Enterprise Agreement	Council resolved to authorise CEO to obtain necessary approvals.	WALGA Labour Solutions have been engaged to progress the approval process. – Ongoing
16 Dec 16	Early Rate Payer Draw Winner	Ratepayers who pay their rates in full by the due date were eligible for the Early Rate Payer Incentive Prize (\$1000)	Letter and cheque has been sent. Winner Mrs Janice Derchow.
16 Dec 16	Appointment of Auditors	CEO to request at least three quotations from suitable suppliers of audit services for 2016-17 financial year	Request for quotation sent to three Audit firms.
16 Dec 16	Audited Financial Statements and Auditors Report	Forward copy of Report to Department of Local Governments and Communities	Completed 11 th January 2017.
16 Dec 16	Audit Management Letter	Forward copy of Report to Minister for Local Government and Communities	Completed 11 th January 2017.
16 Dec 16	Ordinary Council Meeting Dates	Advertise Ordinary Council Meeting Dates for 2017 in The West Australian, Bulldust and Community Notice Boards	Completed 4 th January 2017.
16 Dec 16	Annual General Electors Meeting	Advertise Annual General Electors Meeting for 2017 in The West Australian, Bulldust and Community Notice Boards	Completed 11 th January 2017.
16 Dec 16	Review of Policy 7.3 Credit Card Facilities	Rewards/Bonus Points. Where the corporate cards carry rewards in Bonus Points, usually to encourage the use of the card by the issuing institution these rewards or points will be accumulated in the name of the Shire of Yalgoo. The CEO will decide how these points are to be utilised and may include a charitable, social or sporting contribution. Under no circumstances will rewards or bonus points be redeemable for an Officer's private benefit.	Policy Manual amended 11 th January 2017.
16 Dec 16	Settlement of Insurance Claim – Council Property	1. Accept the offer of \$96,350 net GST and policy excess made by LGIS; 2. CEO to sign the “form of release”;	Offer has been accepted. Form of Release authorised. Quotations obtained.

	Lot 17 Shamrock Street, Yalgoo	3. CEO to obtain quotations in accordance with Policy 7.2 (4) for the demolition of the dwelling located on Lot 17 Shamrock Street, Yalgoo. Appoint a suitable contractor. CEO to prepare funding applications for the construction of two additional staff houses (units) on the site.	Yet to appoint contractor. Consultant has been engaged to begin preparation of funding applications.
16 Dec 16	Closure of Noongal Homestead Access Road	1. Initiates the closure of Noongal Road in accordance with Section 58 of the Land Administration Act 1997. 2. Advertise for the proposed road closure for 35 days and seek comments from providers of public utility services and the general public. 3. Following the public advertising period, considers the proposal in light of any objections or if no objections are received the matter be referred to the Minister for Lands for implementation. 4. Inform the owners of Noongal Station that all costs associated with the closure and amalgamation including advertising will be at their own expense.	Letter has been sent to Owners of Noongal Station advising of Council resolution. Awaiting response from owner before proceeding further.
16 Dec 16	Closure of Thoroughfare Adjacent to Lots 27, 25, 23 and 19 Gibbons Street , Yalgoo	CEO carry out the required procedures to permanently close the thoroughfare adjacent to Lots 27, 25, 23, 21 and 19 Gibbons Street, Yalgoo.	Matter subject to a report in this Agenda.
16 Dec 16	Budget Amendment for Road Lighting at Paynes Find	Budget amendment from the Paynes Find Beautification account for \$60,000 to fund new solar lights at the Paynes Find entry intersection with the Great Northern Highway.	CEO has contacted MRWA who has offered support for the project regarding process and maintenance of new lights.
16 Dec 16	Sewerage system for the Shire staff housing Units	CEO to enquire into the status of the sewerage for the Shire staff housing units	CEO has requested an investigation of the sewerage system from Sun City Plumbing and a quote for repairs or replacement.

Voting Requirements

Simple Majority

The CEO gave a verbal update on the progress and completion of each item.

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0111 Report on Matters Outstanding as at 27 January 2017

That Council receives Report N^o 11.4.5 Report on Matters Outstanding as at 27 January 2017.

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 3/0

11.4.6 Report on WANDRRA – Flood Damage Project AGRN661

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	17 January 2017
Attachments	Nil

Matter for Consideration

To inform Council of the expenditure in relation to the WANDRRA – Flood Damage Project AGRN661 now complete.

Background

Over the Period of Feb 28 to Mar 8 2015, a significant Surface Trough impacted the Yalgoo District resulting in damage to the Shire’s unsealed road network.

The event was subsequently declared a “Natural Disaster” under the Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) and given the Australian Government Reference Number AGRN661.

On March 19th 2015, Shire of Yalgoo engaged the services of Core Business Australia to undertake and assessment of the damage and prepare a cost estimate for submission to Main Roads.

This was accepted by Main Roads and Core Business Australia was retained further to supervise the restoration work which included the engagement of a suitable contractor to effect repairs.

A tender was called by the Shire in compliance with the tender provisions of Section 3.57 of the Local Government Act 1995 and the Local Government (Functions and General) Regulation 1996.

Council at its 20th August 2015 Ordinary meeting Council meeting held on 20th August 2015 awarded the successful tender to W & E Rowe Contractors, a locally based civil contractor. W & E Rowe commenced work on the restoration task in September 2015 and has worked steadily over the period to October 2016 to complete the work to a very high standard.

Over this period, Core Business Australia provided supervision to the works and administered the contract and claims to WANDRRA on behalf of the Shire. The majority of work involved heavy grading to re-shape roads, cleaning out of silted table drains, reinstatement of floodways and gravel re-sheeting of roads where gravel pavement had been washed away.

Statutory Environment

Nil

Business Implications

Nil

Consultation

Core Business

Comment

The project is now complete and Council is provided with the financial information as detailed below:

INCOME

Grant - WANDRRA	\$3,272,596.00
Shire of Yalgoo Contribution	\$143,200.00
Total Funds Available	\$3,415,796.00

LESS EXPENDITURE

Payment to contractor	\$2,805,615.00
Payment to Project Manager	\$553,972.00
Drilling for Bore	\$13,500.00
Freight Costs	\$3,769.00
Guide Posts	\$550.00
Signs	\$19,250.00
Cement	\$19,140.00
TOTAL EXPENDITURE	\$3,415,796.00

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0112 Report on Account E122301 – Flood Damage AGRN661

That Council receive the Report on the WANDRRA Flood Damage Project.

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 3/0

11.4.7 Report on the Extraordinary Election

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 January 2017
Attachment	Nil

Matter for Consideration

That pursuant to Section 4.17(3) of the Local Government Act 1995 (LG Act) the Council seeks approval from the Electoral Commissioner to allow the vacancy to remain unfilled in accordance with Section 4.17(4A).

Background

An advice was received from Cr Percy Lawson stating that he resigned from the position of Councillor. This was duly received by the Council at the Ordinary Meeting held on 16 December 2016.

Statutory Environment

Local Government Act 1995

2.31. Resignation

- (1) An elector mayor or president may resign from the office of mayor or president.
- (2) A councillor may —
 - (a) resign from the office of councillor;
 - (b) resign from the office of councillor mayor or president, deputy mayor or deputy president.
- (3) Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.
- (4) The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.

2.32. How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

- (a) dies; or
- (b) resigns from the office; or
- (c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or
- (d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or
- (da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or
- (e) becomes the holder of any office or position in the employment of the local government; or
- (f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.

4.17. Cases in which vacant offices can remain unfilled

- (1) If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (2) If a member's office becomes vacant under section 2.32 —
 - (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but
 - (b) before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

** Absolute majority required.*

- (4A) Subsection (3) applies —
 - (a) if —
 - (i) the office is for a district that has no wards; and
 - (ii) at least 80% of the number of offices of member of the council in the district are still filled; or
 - (b) if —
 - (i) the office is for a ward for which there are 5 or more offices of councillor; and
 - (ii) at least 80% of the number of offices of councillor for the ward are still filled.
- (4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

Consultation

West Australian Electoral Commission

Comment

Pursuant to Section 4.17(3) and (4A) the Council may with the approval of the Electoral Commissioner allow the vacancy to remain unfilled and on that basis the term of the member who held the office is to be regarded to end on the day on which it would have ended if the vacancy had not occurred.

Voting Requirements

Absolute Majority

The Presiding Member advised that Item 11.4.7 requires an Absolute Majority and on the basis that only 3 members were present at the meeting an Absolute majority could not be attained.

Based on the Presiding Members advice the Report be deferred to the next Ordinary Council Meeting to be held 24th February 2017. With the agreement of members present the item was deferred.

OFFICER RECOMMENDATION DEFERRED

Report on the Extraordinary Election

That Council:

Seek approval from the Electoral Commissioner to allow the extraordinary vacancy to remain unfilled in accordance with Section 4.17(3) and (4A) of the Local Government Act 1995.

Moved:

Seconded:

Motion put and carried/lost by Absolute Majority

11.4.8 Report on Closure of Pedestrian Access Ways and Right of Ways

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 January 2017
Attachments	<ul style="list-style-type: none">• Procedural Guidelines- Closure Of Pedestrian Access Ways and Rights Of Way Having A Connectivity Function.• Map of the area

CR R Valenzuela declared an interest and left the meeting 1.27pm

Background

Council at the Ordinary Meeting held on December 16th 2016, adopted the following resolution:

“That the CEO carry out the required procedures to permanently close the thoroughfare adjacent to Lots 27, 25, 23, 21 and 19 Gibbons Street, Yalgoo.”

It is noted that the lane-way is at the rear of the Lots and not as stated above.

Statutory Environment

- Procedural Guidelines - Closure Of Pedestrian Access Ways and Rights of Way Having a Connectivity Function
- Planning Bulletin N^o 57/2009A
- Government Land Policy N^o 5.1.12

Business Implications

Nil

Consultation

Nil

Comment

It is understood that the content of Cr Raul Valenzuela’s motion was for the CEO to investigate the procedures involved in the closure of the lane-way and report back to Council. If this is the case Council when confirming the Minutes for the 16 December 2016 Ordinary Meeting should have regard to what is recorded in the minutes and amend accordingly if members agree.

The Department of Regional Development and Lands in November 2009, developed procedural guidelines for the closure of Pedestrian Access Ways and Right of Ways.

Pedestrian Access Ways and Right of Ways. are either vested in the Crown or are owned by the Crown. While it is recognised that some Pedestrian Access Ways (PAWs) and Right of Ways (ROWs) are a cause of community concern, their closure should only proceed with great care.

Closure of a PAW or ROW should not proceed without an information report outlining reasons for closure (e.g. anti-social or criminal behaviour) and addressing the following issues:

- (i) consideration of equity of access, particularly with regard to disability and age;
- (ii) agreement being reached for either acquisition and inclusion of the subject land in adjoining properties, or for other acceptable land management arrangements;

- (iii) evidence that arrangements have been made to protect or relocate any public services located within the PAW or ROW
- (iv) evidence that reasonable objections by adjacent property owners and owners and residents of properties served by the PAW or ROW have been satisfactorily addressed;
- (v) evidence that relevant transport and planning considerations have been taken into account and issues raised by Department of Planning (DoP) and other relevant government departments have been properly considered;
- (vi) referral to, and preliminary agreement by, DoP;
- (vii) referral to service agencies;
- (viii) A resolution of the relevant Local Government recommending closure.

Amalgamations of Crown land with adjacent freehold properties must be effected by subdivisional plan, which requires approval by West Australian Planning Commission (WAPC). Where WAPC opposes amalgamation, closure cannot proceed.

As a general principle each adjoining landowner should have opportunity to share equally in the land in a closed PAW or ROW. This principle does not apply where services requiring easements dictate unequal land allocations for good planning reasons.

Local Government Procedures

Initial Assessment

The Local Government has the initial responsibility for determining whether an application to close a PAW or ROW should be progressed. This initial assessment should include:

- (i) consideration of the impact of closure of the access way on local pedestrian/cycle connectivity - that is, the additional distance required to be travelled to get from one end of the PAW to the other after closure - as well as the impact on traffic and activity on remaining PAWs or ROWs;
- (ii) consideration of the impact of closure of the PAW or ROW on safe access to neighbourhood and district facilities, including:
 - schools and other educational facilities,
 - shopping facilities,
 - parks and recreation facilities,
 - community facilities,
 - employment,
 - public transport services, including bus stops and train stations, and
 - aged person and disabled facilities.
- (iii) consideration of the length of alternative routes and their safety, extend of surveillance, amenity, useability, gradient and convenience of use, especially for the disabled and elderly;
- (iv) consideration of the role of the PAW or ROW as part of a wider pedestrian/cycle network or continuous access routes, as reflected in any local access plan or in any Local Planning Strategy;
- (v) consideration of the crime/social difficulties being experienced by the adjoining landowners. This should be documented and supporting evidence provided.

- (vi) the views of the adjoining landowners in relation to the PAW or ROW closure and a general commitment to purchase. The application will not proceed unless the land can be sold or reserved.

- (vii) assessment of alternatives to PAW or ROW closure, including:
 - temporary closure, where practical;
 - improvements to safety and security e.g. lighting, active graffiti removal where funding is available;
 - longer term redevelopment opportunities through local planning reviews to allow up-coding of lots adjacent to essential PAWs or ROWs, conditional on widening of PAWs or ROWs to laneways and new frontage development
 - Gates, open during daylight hours and locked at nights.

This assessment should be documented in a report which should include a walkability assessment (“ped shed”) analysis, notionally for all affected areas within 400m of neighbourhood facilities and bus stops, and for all affected areas within 800 metres of a town centre, rail station, arterial bus route, high/technical school and district open space;

Where the Local Government proceeds with the closure request the following actions are to occur in parallel.

Preparation of Closure Report

A Closure report shall be prepared for public inspection during the advertising period.

Placement of Signs

signs shall be placed at each end of the PAW or ROW – stating that closure is being considered, that a Closure Report outlining issues relating to closure is available for public inspection during the advertising period, and that submissions should be made to Council by a specified date;

Advertisement

an advertisement should be placed in a community newspaper and an advisory letter should be delivered to residents and/or establishments within the affected area as indicated by the “ped-shed” analysis;

Referrals

Comments should be sought from other relevant public authorities and parties including:

- Service agencies, with regard to service relocation and easement requirements.
- Other Government agencies, where closure will affect access to facilities.
- School principals and P & C committees, if a school is likely to be affected by the proposed closure.

Department of Planning (DoP) Statutory Planning Referral

referral to DoP Statutory Planning for comment. The Local Government is to provide Statutory Planning with a full copy of the Closure Report, amended to include an assessment of the public and agency comments received. Where there is objection from DoP's Statutory Planning, DoP should liaise with the Local Government to afford DoP a better awareness of local issues; and discussions should occur between the two parties, toward achieving resolution.

Local Government Consideration

In forming its view on a proposed closure, the Local Government should have due regard to:

- (i) factors driving the proposed closure, such as anti-social or criminal behaviour;
- (ii) the impacts of closure as outlined in the Closure Report;
- (iii) the advice of relevant public authorities and parties ;
- (iv) relevant transport, planning and disabilities policy considerations; in particular, the need to give special consideration to maintain pedestrian links -

Proceeding with Closure

Where the Local Government has resolved to proceed with the closure, the report prepared for public comment should be updated and amplified to include the following:

- (i) details of the consultation process;
- (ii) summary of the content of public submissions and agency comments, and comments on them;
- (iii) copies of letters from the adjoining landowners concerning the land sharing arrangement;
- (iv) copies of all letters from service agencies;
- (v) sketch showing the proposed land disposition;
- (vi) confirmation that the LG has resolved to recommend PAW or ROW closure.

The updated report should then be submitted to DoP's Statutory Planning.

Advice to Adjoining Landowners and Objectors

The Local Government should advise the adjoining landowners by letter of its recommendation to State Land Services in relation to closure. Any objectors should be advised of the Local Government's recommendation and the reason for it.

Purchase and Disposal Arrangements

During the preliminary stages the Local Government may request SLS to provide an upfront conditional purchase price based on market values in the absence of service relocation or easement costs, so that the adjoining land owners can be informed as soon as possible. The purchase price may be reduced depending on the impact of any easements or costs to relocate services.

Coordination

Closure and disposal procedures can be expedited should a Local Government undertake coordination of the exercise, in liaison with affected adjoining landowners. Under this

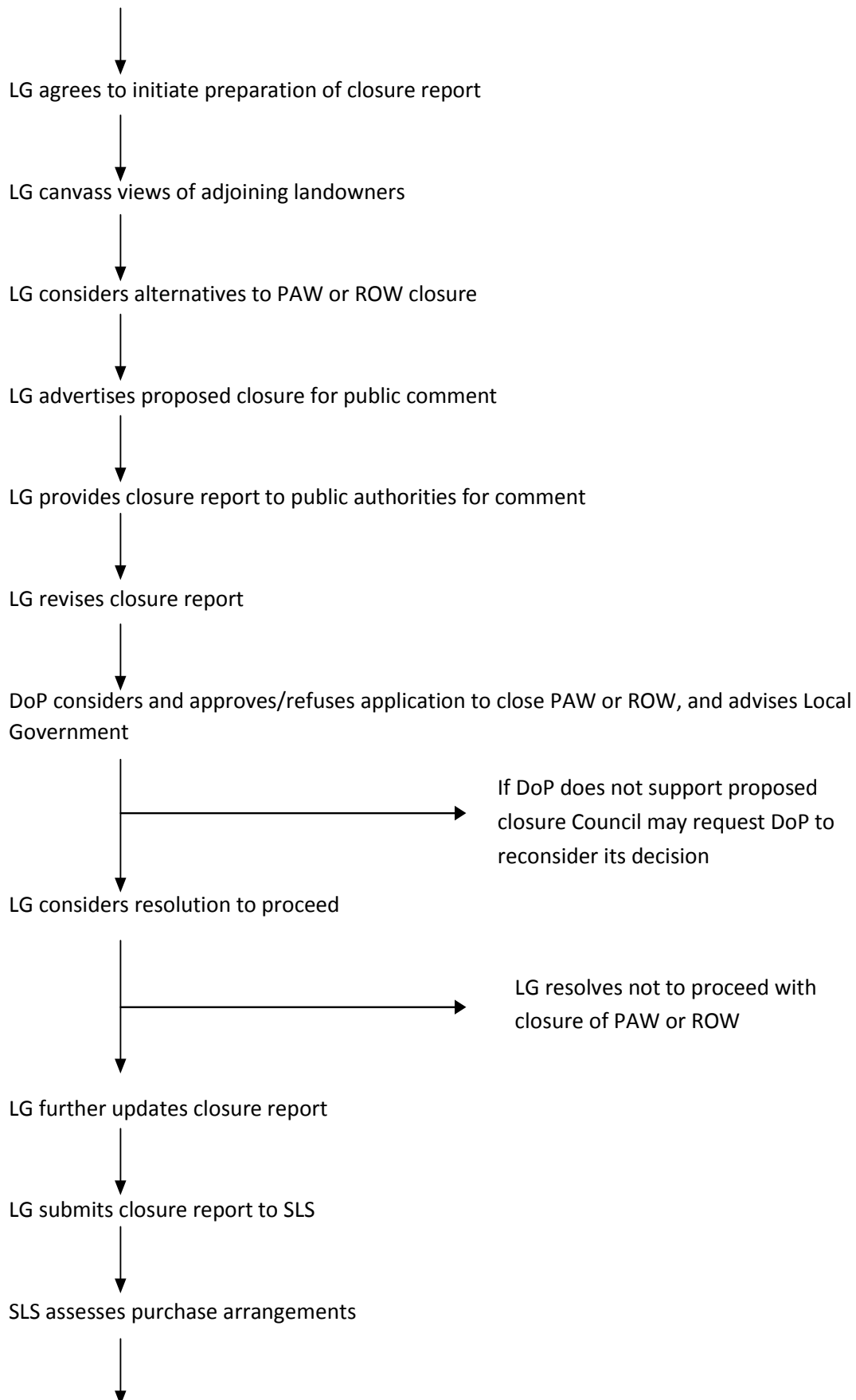
arrangement, the Local Government would obtain necessary signatures to documents and payments.

Survey, Valuation

SLS will arrange survey and valuation

Once all of the above-mentioned have been addressed by the Local Government the proposal for closure will be subject to the Department of Planning consideration and State Land Service assessment.

A diagrammatic summary of the process for progressing of a PAW or ROW closure is illustrated below:



SLS arranges for closure and disposal of PAW or ROW

Council is requested to give consideration as to whether it wishes to proceed with the proposed closure of the lane-way at the rear of Lots 27, 25, 23, 21 and 19 Gibbons Street, Yalgoo and for the Chief Executive Officer to follow the procedures as outlined in the guidelines and report.

Voting Requirements

Simple Majority

The CEO advised as a result of Cr Raul Valenzuela leaving the Chamber a quorum was not present and no decision could be made and therefore advised that this item be deferred to the next Ordinary Council Meeting on 24th February 2017 due to a lack of quorum.

Cr R Valenzuela returned to the meeting 1.29pm and resumed the Chair with a quorum present.

CEO advised the Presiding Member that the item be deferred to the next Ordinary Council Meeting on the basis that no quorum was present when giving consideration to the item.

OFFICER RECOMMENDATION DEFERRED

Report on Closure of Pedestrian Access Ways and Right of Ways

That Council:

- 1. Proceed or do not proceed with the proposal for the closure of the lane-way located at the rear of Lots 27, 25, 23, 21 and 19 Gibbons Street;**
- 2. Subject to (1) above the Chief Executive Officer initiate or not initiate the process as outlined in the report.**

Moved:

Seconded:

Motion put and carried / lost

11.4.9 Report on Yalgoo and Districts Jockey Club Inc

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	18 January 2017
Attachments	Nil

Matter for Consideration

That Council give consideration to the assistance to be provided to the Yalgoo and Districts Jockey Club Inc to conduct an Annual Race Meeting/Community Event.

Background

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

Statutory Environment

Nil

Financial Implications

In-kind contribution

- Use of Shire machinery including Grader, Water Cart, Loader & Truck;
- Provision of security fencing up to 200 meters;
- Provision of 10 x Rubbish bins; and

Cash contribution for sponsorship of the event.

Consultation

Melissa Evans - Yalgoo and Districts Jockey Club Inc

Comment

A letter was received from Melissa Evans, representative of the Yalgoo and Districts Jockey Club Inc, under the letterhead Yalgoo Jockey Club.

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

- 1 The Grader will be required for work mid-February to early March for approximately a day maybe two and then again in April for final touch ups just prior to the Race Meeting on the 8th April 2017.
- 2 The Water Cart would be required for work mid-February to early March for approximately a day maybe two and then again the night before the Race Meeting and on standby for Race Day depending on the rainfall that month and the Stewards recommendation on Race Day.
3. The Loader and Truck would be required in mid February to early March for approximately a day maybe two to cart dirt to areas that may have been blown off over time.
4. The Loader will also need to be on standby on Race day in case of the disposal of an animal.

Additional requests in the letter include Shire to facilitate with Security Fencing, Rubbish Bins and Removal, Race Book Advert, Sponsoring of a Race or a monetary donation of any kind.

After discussions with the Works Foreman Mr Ray Pratt and the Chief Executive Officer Silvio Brenzi it has been determined that the Shire can donate the use of machinery and operators without affecting the Capital Works Program.

It was also determined that the Shire can provide up to 200 meters of security fencing and 10 rubbish bins.

Council is requested to give consideration to providing the following assistance to the Yalgoo and Districts Jockey Club Inc.

In-kind contribution

- Use of Shire machinery including Grader, Water Cart, Loader & Truck;
- Provision of security fencing up to 200 meters;
- Provision of 10 x Rubbish bins; and

Cash contribution as determined by the Council.

Voting Requirements

Simple Majority

CR G Trenfield moved the Officer's recommendation and that Council make a monetary contribution of \$10,000. CR J Kanny seconded the Motion, there being no further discussion the Presiding Member put the Motion.

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0113 Report on Yalgoo and Districts Jockey Club Inc

That Council inform Ms Evans (Representative of the Yalgoo and Districts Jockey Club Inc) that the following assistance will be provided to the Yalgoo and Districts Jockey Club Inc subject to the race meeting going ahead:

- **The Grader will be made available mid February to early March for approximately a day maybe two and then again in April for final touch ups just prior to the Race Meeting on the 8th April 2017;**
- **The Water Cart will be made available for work mid February to early March for approximately a day maybe two and then again the night before the Race Meeting and on standby for Race Day depending on the rainfall that month and the Stewards recommendation on Race Day;**
- **The Loader and Truck will be made available in mid February to early March for approximately a day maybe two to cart dirt to areas that may have been blown off over time;**
- **The Loader will be on standby on Race day in case of the disposal of an animal;**
- **Shire to facilitate with Security Fencing, Rubbish Bins and Removal; and**
- **Approve a monetary contribution to the Yalgoo Jockey Club amounting to \$10,000 on the condition that if the race meeting does not go ahead this monetary contribution is to be refunded to the Shire.**

Moved: Cr G Trenfield

Seconded: Cr J Kanny

Motion put and carried 3/0

11.4.10 Report on Wild Dog Bounty Scheme

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	19 January 2017
Attachments	Nil

Matter for Consideration

That council give consideration to the recommendation of the Wild Dog Working Group in relation to the Wild Dog Bounty Scheme

Background

The Shire in its 2016-17 Annual Budget has allocated the sum of \$10,000 for the purpose of funding a Wild Dog Bounty Scheme.

Council at its Ordinary Council Meeting of September 2016 resolved the following:

“That Council form a Wild Dog Bounty Working Group comprising of 3 elected members, the CEO and an independent advisor to prepare the terms and conditions in relation to the Wild Dog Bounty Scheme.”

A further report was considered by Council at the Ordinary Council Meeting held on 27th October 2016. The following resolution was adopted:

“That Council:

- 1. Nominate Cr Jo Kanny, Cr Neil Grinham, Cr Gail Trenfield and Dominic Carbone as the independent advisor to the “Wild Dog Bounty Scheme Working Group.”*
- 2. Subject to (1) above the “Wild Dog Bounty Scheme Working Group” to comprise of the following members: Cr Jo Kanny Cr Neil Grinham Cr Gail Trenfield CEO Silvio Brenzi Independent Advisor Dominic Carbone.*

On Friday 20th January 2017, a Wild Dog Working Group meeting was held. Attendance at the meeting was CEO Silvio Brenzi , CR Jo Kanny and Dominic Carbone.

Statutory Environment

Nil

Business Implications

Nil

Consultation

Nil

Comment

Terms and Conditions have been formulated by the Working Group at its Meeting held on 20th January 2017 and are set out in Draft Terms and Conditions in the attachments. A Record Sheet and Claim for Payment Form has also been created and is in the attachments.

Voting Requirements

Simple Majority

Cr G Trenfield moved that the Officer recommendation not be adopted and instead moved the following Motion

“Arrange for the Wild Dog Working Group to meet again in February 2017 with the purpose of reviewing the presented draft Terms & Conditions and Claim Form. The date and time to be confirmed by the CEO.”

Cr J Kanny seconded the Motion.

There being no further discussion the Presiding Member put the Motion.

COUNCIL DECISION

C2017-0114 Report on Wild Dog Bounty Scheme

That Council:

Arrange for the Wild Dog Working Group to meet again in February 2017 with the purpose of reviewing the presented draft Terms & Conditions and Claim Form. The date and time to be confirmed by the CEO.

Moved: Cr G Trenfield

Seconded: Cr J Kanny

Put and Carried 3/0

2.00pm Meeting temporarily adjourned with the consensus of members

Attendance: *2.00pm Cr G Trenfield left the meeting*

Attendance: *2.02pm Cr G Trenfield re-joined the meeting*

2.02pm Meeting resumed with Cr G Trenfield, Cr J Kanny and Cr R Valenzuela in attendance

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

12.1.1 Notice of Motion

The CEO Silvio Brenzi received a Motion to present to Council from Cr Jo Kanny.

The Presiding Member requested that CR J Kanny move her Motion.

“That the Chief Executive Officer have the Community Development Officer prepare bi-monthly reports to Council on what activities have been held in town, the outcomes and what future events are proposed”

Cr J Kanny moved her Motion accordingly which was then seconded by Cr G Trenfield.

The consensus of Members was that by having a bi-monthly Report from the Community Development Officer it will be beneficial to an overall smoother running of events in which community members including those not residing in the town site will be more aware of future events.

There being no further debate the Presiding Member put the Motion to a vote:

COUNCIL DECISION

C2017-0115 Report on Bi-Monthly Community Development Officer Reports

That the Chief Executive Officer have the Community Development Officer prepare bi-monthly reports to Council on what activities have been held in town, the outcomes and what future events are proposed.

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 3/0

13. URGENT BUSINESS

Nil

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

Local Government Act 1995

s5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

s5.92 Access to information by council, committee members

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
- (2) Without limiting subsection (1), a council member can have access to —
 - (a) all written contracts entered into by the local government; and
 - (b) all documents relating to written contracts proposed to be entered into by the local government.

s5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person. Penalty: \$10,000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007

s6. Use of information

- (1) In this regulation —
 - closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
 - confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
 - non-confidential document means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
 - (a) information that the council member derived from a confidential document; or
 - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

14.1 Matters of a Confidential Nature

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Chambers, Yalgoo on Friday 24 February 2017 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the Presiding Member Deputy President Raul Valenzuela declared the meeting closed at 2.22pm.

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

