



UNCONFIRMED MINUTES  
OF THE ORDINARY MEETING OF COUNCIL  
HELD IN THE  
COUNCIL CHAMBER, YALGOO  
ON FRIDAY 23 MARCH 2018  
COMMENCING AT 11.00 AM





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Minutes for the Ordinary Meeting of the Yalgoo Shire Council,  
held in the Council Chambers, Yalgoo  
on Friday 23 March 2018, 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**

President Cr Joanne Kanny declared the Ordinary Council Meeting opened at 11.07 am

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

MEMBERS	Cr Joanne Kanny, Shire President Cr Gregory Payne, Deputy President Cr Gail Trenfield Cr Percy Lawson Cr Tamisha Hodder Cr Robert Grinham
STAFF	Silvio Brenzi, CEO Elisha Hodder, Executive Assistant
GUESTS	Nil
OBSERVERS	Mary-Kate Walsh Raul Valenzuela Michelle Hodder Alison Maher Gail Simpson
LEAVE OF ABSENCE	Nil
APOLOGIES	Nil

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

Disclosures of interest made before the Meeting.

President Joanne Kanny declared a disclosure of interest for a letter received by Ruth Rowe which will be tabled during Urgent Business

Cr Gail Trenfield declared a disclosure of interest for a letter received by Ruth Rowe which will be tabled during Urgent Business.

## 4. PUBLIC QUESTION TIME

### 4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

### 4.2 QUESTIONS WITHOUT NOTICE

President Cr Joanne Kanny explained the time allocated to Public Question Time is 15 minutes and that one question can be asked per person.

Cr Robert Grinham asked if it's only one question or can they only speak once.

CEO Silvio Brenzi advised it is up to the presiding member to determine the way Public Question Time is managed.

#### 4.2.1 Yalgoo Community Members asked:

**Q. The decision made on the 23 February 2018 to close the program, one Councillor had rejected his decision to close the program.**

**A.** Shire President Cr Joanne Kanny advised there was a quorum which is made up of three or more elected members. As there were four elected members at the Ordinary Council Meeting held on the 23 February 2018 it created a quorum. One of the Elected Members had declared an interest and stepped out leaving three elected members to vote.

**Q. Community Member stated there was only two Councillors who voted and one did not.**

**A.** President Cr Joanne Kanny and CEO Silvio Brenzi advised that all three Councillors had voted to discontinue the program, President Joanne Kanny also explained when a decision is made it cannot be rescinded on the day.

**Q. Community Member asked if it possible to reverse a decision?**

**A.** President Joanne Kanny advised if a Councillor wishes to rescind their decision and vote accordingly on another motion it can be done.

#### 4.2.2 Yalgoo Community Member

**Q. Is Council's decision in regards to a Councillor and her sister in-law working with Council to achieve the outcomes to closing the program. The Council supposed to be for the Community or is Council for individuals?**

**A.** President Cr Joanne Kanny advised that a Councillor had declared an interest and had stepped out of the room in which they had no say on the matter. The Councillors made the decision as a group to stop the program of their own choice.

#### 4.2.3 Yalgoo Community Member

**Q. Jo you say you here for the Community, why did you state on ABC Radio there was hostility at the last community meeting, and who was you referring to?**

A. President Cr Joanne Kanny advised that she does not recall saying hostility on the ABC radio but informed it wasn't the nicest situation being sat front and centre and that to her it did feel a little bit hostile.

**Q. Community Member asked who was she referring to on the radio?**

A. President Joanne Kanny informed she will not be saying any names and informed that CEO Silvio Brenzi would be happy to speak about something that was quite hostile during the Community Meeting.

CEO Silvio Brenzi advised there was two hostile part of the meeting firstly between two business owners who not necessarily had the quietest words to each other and secondly at the end of the meeting a resident made racist statements, accusations and lies toward him in front of everyone at the community meeting which is disgraceful.

#### 4.2.4 Yalgoo Community Member

**Q. Has Council spoke to the children in town and asked them if they liked the program?**

A. President Cr Joanne Kanny advised that Council does not wish for the programs to close and that action is being taken to make it possible. The Shire has already spoken to EMR Golden Grove about the Funding they provide, MEEDAC are interested in continuing the ladies program at the hall, the Community Development Officer will be carrying out programs and someone else will be taking over the Men's Shed program.

President Joanne also explained the Funding for the program was not secured.

#### 4.2.5 Yalgoo Community Member

**Q. Can you please explain what happened to the new budget for the Youth and Family Services and that nothing was stated in the January - February Agenda to stop the program?**

A. CEO Silvio Brenzi advised the decision was not made whether to continue the program or not in January, and at the meeting held in February the decision was made to finish the Family Services program on the 9 March, meant that the decision through February's accounts and financial statements were covered right through to the 9th of March at the meeting held on the 23 March where Council made the decision.

Cr Gregory Payne advised and reassured that at the August meeting in 2017, Centacare had closed and without warning, Council made that decision back in August to fund the Family Services position for 6 months out of council funds (which had not been previously allocated in the budget) just to keep that position going otherwise it was going to fall through there and then in August.

President Joanne Kanny advised Centacare only gave the Council three weeks notice without any reason as their decision for closing Centrecare.



#### 4.2.6 Yalgoo Community Member

**Q. There are things written and posted on Facebook a “witches Hat” and “Baboon” and other comments being posted every time there’s a community meeting?**

A. President Cr Joanne Kanny advised she was not aware of anything being posted on Social Media regarding the above..

Community Member than stated the “witches hat” was posted up By President Joanne Kanny and the picture of the “baboon” was posted up by Cr Gail Trenfield.

Cr Gail Trenfield denies the accusation as to posting the baboon on social media.

President Joanne Kanny informed she did not post a witches hat up on social media and explained she has been vehemently attacked in reference to a number of things on facebook which she had brought to the attention of the CEO Silvio Brenzi who is conducting an investigation.

CEO Silvio Brenzi reassures he is looking into the Facebook issue and explained a Facebook account was created in his name without his permission.

#### 4.2.7 Yalgoo Community Member

**Q. What happens if there is a VRO on a certain Council Member?**

A. President Cr Joanne Kanny had the CEO Silvio Brenzi answer the question

CEO Silvio Brenzi advised that VRO’s are not instigated by Council and that VRO’s are handled by the Court system outside of that are Policies that Staff members and Councillors follow.

The Community Member then stated that the councillor who stepped out due to a conflict of interest had a VRO when the vote was made to stop the Family services program.

Cr Gregory Payne then stated that Council did not vote on the person they voted on the position.

President Cr Joanne Kanny then advised she had spoken to WALGA in regards to VRO’s on individual Councillors and was informed that it can be done so, in which Yalgoo is not the only place where someone has a VRO on a Councillor.

#### 4.2.8 Yalgoo Community Member

**Q. Why is there a Shire employee not being Drug tested?**

A. CEO Silvio Brenzi advised to make an appointment to see him and discuss the matter.

## Adjournment 11.31 am – 11.37 am

President Cr Joanne Kanny requested a motion be moved to adjourn the meeting for 5 minutes. The motion was moved by Cr Gregory Payne and seconded by Cr Percy Lawson. There being no further debate the motion was put and carried 6/0.

President Joanne Kanny re opened the meeting at 11.37 am

Returning to the meeting were:

Cr Joanne Kanny, Shire President  
 Cr Gregory Payne, Deputy President  
 Cr Robert Grinham  
 Cr Percy Lawson  
 Cr Gail Trenfield  
 Cr Tamisha Hodder  
 Silvio Brenzi, Chief Executive Officer  
 Elisha Hodder, Executive Assistant

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

Confidential Item 14.1- Report on Chief Executive Officer Performance Review – Engagement of Consultant  
 Confidential Item 14.2- Report on Response to Allegations for Suspected Misconduct

### 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

### 7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

#### 7.0 MEETINGS ATTENDED BY ELECTED MEMBERS

Date	Details	Attended with whom
6 March	Yalgoo Community Meeting – Cancellation of Family Services	President Joanne Kanny Cr Gail Trenfield Cr Percy Lawson
13 March	Tanya Camerelli - consultation	President Joanne Kanny
13 March	MRVC Meeting	Cr Gregory Payne Cr Robert Grinham
14 March	CEO Appraisal training	President Joanne Kanny Cr Gail Trenfield Cr Percy Lawson Cr Tamisha Hodder Cr Gregory Payne

15 March	Met with Ben Ryan & Duncan Bradford from EMR Golden Grove - Funding options	President Joanne Kanny Cr Gregory Payne CEO Silvio Brenzi
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## **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

Cr Robert Grinham made a comment to Council as to whether the minutes are to be true and correct as he was not at the meeting held on the 23 February 2018 he does not know what was said behind closed doors.

CEO Silvio Brenzi advised Cr Grinham that the minutes are not word for word and that the item discussed behind closed doors are correct.

#### **OFFICER RECOMMENDATION**

**C2018-0301**    Minutes of the Ordinary Meeting

**That the Minutes of the Ordinary Council Meeting held on 23 February 2018 be confirmed.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Robert Grinham**

**Motion put and carried: 6/0**

## 9. REPORTS OF COMMITTEE MEETINGS

### 9.0 Audit Committee Meeting held on 23 March 2018

#### 9.1 Report on Compliance Audit Return 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	14 March 2018
Attachments :	2017 Compliance Audit Return

#### Matter for Consideration

That the Committee give consideration to the Compliance Audit Return 2017 and recommend to Council that the Compliance Audit Return be adopted and certified by the President and Chief Executive Officer and a copy to be forwarded to the Department of Local Government Sport and Culture Industries by 31<sup>st</sup> March 2018.

#### Background

Regulation 14 and 15 of the Local Government (Audit) Regulations 1996 requires that the Council carry out a Compliance Audit for the period 1<sup>st</sup> January to the 31<sup>st</sup> December in each year and be submitted to the Executive Director by the 31<sup>st</sup> March of the following year.

#### Statutory Environment

##### *Local Government Act 1995*

##### 7.13. Regulations as to audits

- (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
- (i) of a financial nature or not; or
- (ii) under this Act or another written law.

#### Local Government (Audit) Regulations 1996

##### 14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3)

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

- (4) (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
- (5) (a) presented to the council at a meeting of the council; and
- (6) (b) adopted by the council; and
- (7) (c) recorded in the minutes of the meeting at which it is
- (8) adopted.

15. Compliance audit return, certified copy of etc. to be given to Executive Director(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —

- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
- (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

- (2) In this regulation —  
certified in relation to a compliance audit return means signed by —
  - (a) the mayor or president; and
  - (b) the CEO.

### **Business Implications**

Nil

### **Consultation**

Nil

### **Comment**

The Shire of Yalgoo is required to carry out an Annual Compliance Audit for the period 1<sup>st</sup> January 2017 to 31<sup>st</sup> of December 2017. The Compliance Return for 2017 has been completed online on the Department of Local Government Sport and Culture Industries website and is attached for consideration.

The Compliance Return is to be adopted by Council and certified by the President and the Chief Executive Officer along with a copy of the relevant section of the Minutes be forwarded to the Director General by the 31st March 2018.

### **Voting Requirements**

Simple Majority

### **AUDIT COMMITTEE RECOMMENDATION / COUNCIL DECISION**

#### **C2018-0302 Report on Compliance Audit Return 2017**

**That the Audit Committee recommends to Council that the 2017 Compliance Audit Return be adopted and certified by the President and Chief Executive Officer and forwarded to the Department of Local Government along with the relevant section of the Minutes.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Gail Trenfield**

**Motion put and carried: 6/0**

## 9.2 Report on 2017-18 Annual Budget Review

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	14 March 2018
Attachments	Statement of Financial Activities , Statement of Surplus/ Deficit, Statement of Closing Funds, Budget Analysis Worksheets

### Matter for Consideration

That council review the 2017-18 Annual Budget Review

### Background

Regulation 33A of the Local Government Act (Financial Management) Regulations 1996 requires that a Local Government between 1<sup>st</sup> February and 31<sup>st</sup> March in each year carry out a review of its Annual Budget for that year. A copy of the review and the determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Council adopted a 10% or \$10,000.00 variance or whatever is the greater for the reporting of material variances identified in the annual budget review

### Statutory Environment

#### 33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
  - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) consider the local government’s financial position as at the date of the review; and
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

\*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

#### 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.

- (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.

**Business Implications**

Nil

**Consultation**

Dominic Carbone

**Comment**

A review of the Shire’s 2017-18 Annual Budget has been undertaken in accordance with the Financial Management Regulations and the following worksheets have been prepared;

Statement of Financial Activities	(refer attachments)
Statement of Surplus/ Defecate	(refer attachments)
Statement of Closing Funds	(refer attachments)
Budget analysis Worksheets	(refer attachments)

The review of the 2017-18 Annual Budget revealed:

- 1) A decrease in operating revenue amounting to \$101,521 comprising of:

REVENUE

Decrease in rates instalment charges	(\$8,000)
Decrease in non payment penalty interest	(\$5,000)
Increase in rates levied	\$40,135
Decrease in Financial Assistance Grant	(\$47,755)
Increase in Local Road Grant	\$3,059
Increase in staff housing reimbursements	\$16,783
Decrease in Grant for staff housing	(\$213,650)
Decrease in Community Pool revitalisation Grant	(\$10,000)
Increase in workers compensation reimbursements	\$115,000
Decrease in insurance claim reimbursements plant	(\$14,000)
Increase in private works charges - plant hire	\$29,800
Decrease other minor variances	(\$7,893)
	(\$101,521)

- 2) A decrease in operating expenditure amounting to \$55,477 comprising of:

EXPENDITURE

Decrease in members travelling allowance	\$10,000
Decrease in members conference expenses	\$6,000
Decrease in election expenses	\$6,863
Decrease in feasibility study Regional Emergency Facility not progressed	\$40,000
Decrease in amalgamation of council land for Emergency Facility not progressed	\$5,000



Decrease in youth and family program -Centacare service no longer provided	\$52,180
Decrease in public conveniences maintenance and cleaning	\$18,143
Increase in old railway station grounds maintenance	(\$11,431)
Decrease in old railway station building maintenance	\$26,322
Decrease in Yalgoo covered sports facility	\$7,717
Increase in refund of unspent CLGF grant	(\$12,158)
Decrease in road inspections after rain expenditure	\$20,206
Increase in rural road maintenance	(\$94,071)
Increase in town entry statements maintenance	(\$11,035)
Increase in emu cup event	(\$17,168)
Increase in EHO consulting costs	(\$9,300)
Decrease other minor variances	\$18,209
	<u>\$55,477</u>

3) Gain or loss on sale of assets:

Decrease in book value of assets sold written back	\$47,600
Decrease in proceeds from sale of assets	(\$9,569)
Increase in net profit on sale of assets	<u>\$38,031</u>

4) Furniture and Equipment

Decreased expenditure- council chamber table	\$4,000
Savings-art centre furn.and equip.	\$536
Savings-day care centre furn.and equip.	\$2,892
Savings-CCTV Yalgoo townsite	\$2,879
	<u>\$10,307</u>

5) Land and Buildings

Decreased expenditure - staff housing 2 units Shemrock street refer revenue above	\$213,650
Additional expenditure- art centre building	(\$33,663)
Savings -power supply men's shed and rifle club	\$1,740
Savings- paynes find complex internal painting	\$200
Savings- paynes find complex external painting	\$636
Savings- CLGF Grant refer expenditure above	\$12,158
Savings- caravan park Storage and POS facility	\$680
Additional expenditure- men's shed upgrade	(\$20,216)
	<u>\$175,185</u>

6) Plant and Equipment

Additional expenditure - CEO vehicle	(\$3,340)
Additional expenditure- ride on mower	(\$850)
Additional expenditure- caterpillar loader	(\$804)
Savings -CGTS vehicle not to be purchased	\$66,485
	<u>\$61,491</u>

7)	Roads Infrastructure	<u>\$0</u>
8)	Infrastructure Recreation Facilities	<u>\$0</u>
9)	Infrastructure Other	
	Additional expenditure - solar lights paynes find approved	(\$38,582)
	Transfer funds from Paynes Find beautification to above new project	
	Additional expenditure -jokers tunnel entry road	<u>(\$38,582)</u>
10)	Reserve Funds	<u>\$0</u>
10)	Book Value Of Assets Sold Written Back	
	Decrease in WDV of assets Sold	<u>(\$47,600)</u>
11)	Surplus Brought Forward	
	Increase in surplus	<u>\$37,779</u>
	Net Estimated Variance (Surplus)	<u><u>\$190,567</u></u>

Council is requested to authorise the following capital expenditure in accordance with Section 6.8 of the Local Government Act 1995.

-	Elected Members I-Pads	\$5,500
-	Paynes Find Community Centre – Remove, Replace and Disposal of Old Water Tank	\$3,000
-	Park Bench, Table Setting and Picnic Shelter	\$13,000
-	Yalgoo Fuel Bay-Surface Treatment	\$10,000
-	Community Oval and Sports Pavilion additional funding allocation	\$100,000
-	Additional Corporate Firearm	\$2,000
-	Art Centre additional funding allocation	\$25,000

Council is requested to give consideration to and adopt the Annual Budget Review

**Voting Requirements**

Absolute Majority

**AUDIT COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**C2018-0303     Report on 2017-18 Annual Budget Review**

**That Council**

- 1.) **Adopts the 2017-18 Annual Budget Review together with the variations detailed in the Budget Analysis Worksheet attached to this Report.**
- 2.) **A copy of the 2017-18 Annual Budget Review and the determination be provided to the Department of Local Government and Communities.**
- 3.) **In accordance with Section 6.8 of the Local Government Act 1995 authorise the following expenditure:**

- Elected Members I-Pads	\$5,500
- Paynes Find Community Centre – Remove, Replace and Disposal of Old Water Tank	\$3,000
-Park Bench, Table Setting and Picnic Shelter	\$13,000
Yalgoo Fuel Bay-Surface Treatment	\$10,000
-Community Oval and Sports Pavilion additional funding allocation	\$100,000
-Additional Corporate Firearm	\$2,000
-Art Centre additional funding allocation	\$25,000

**Moved: Cr Robert Grinham**

**Seconded: Cr Percy Lawson**

**Motion put and carried: 6/0**

### 9.3 Report on Audit Management Letter for the year ended 30<sup>th</sup> June 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 March 2018
Attachments:	Letter dated 20 December 2017 from Council’s Auditor RSM

#### Matter for Consideration

That Council give consideration to the Audit Management letter for the year 30<sup>th</sup> June 2017 together with the responses provided by the Chief Executive Officer and Consultant.

#### Background

Council is required to examine the report of the Auditor and take appropriate action in relation to matters raised.

#### Statutory Environment

*Local Government Act 1995*

#### 7.12A. Duties of local government with respect to audits

- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
  - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
  - (b) ensure that appropriate action is taken in respect of those matters.
  
- (4) A local government is to —
  - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
  - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

#### Business Implications

Nil

#### Consultation

Dominic Carbone Consultant

#### Comment

Findings identified during the Audit of the Shire’s Financial Statements for the year ended 30<sup>th</sup> June 2017 are detailed in the letter from the Shire’s Auditor RSM, attached to the report together with management comments supplied by the CEO and financial consultant.

## **Voting Requirements**

Simple Major

### **AUDIT COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**C2018-0304    Report on Audit Management Letter for the Year Ended 30th June 2017**

**That Council:**

- 1. Receives the Report on Audit Management Letter for the year ended 30th June 2017: and**
- 2. Forward a copy of the report to the Minister for Local Government Sport and Cultural Industries.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Robert Grinham**

**Motion put and carried:6/0**

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

### **10.0 INFORMATION ITEMS**

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

#### **10.1 Petition form the Yalgoo Community**

A petition was received which contained 47 signatures and states the following;

“Dear Community members, on the 23<sup>rd</sup> of February the Yalgoo Shire Council made a decision to end the Family Service Program.

This petition is to have that decision reversed if the community is not happy with Councils decision

Please sign below and tick only the box that is your preference

Please note: Only adults 18+ can sign Petition”

All signatories to the petition ticked that the service be retained. A letter dated March 2018 which was not signed was addressed to the Community Councillors and was attached to the petition.

The petition does not state who was the convenor or submitted the petition and therefore it is recommended that Council’s decision be placed on the notice board.

Council may deal with the petition by moving and adopting one of the following motions

- That the petition shall be received
- That the petition shall not be received (state reason)
- That the petition be received and a report be prepared for Council consideration.

President Joanne Kanny presented an updated petition of 76 signatures

CEO Silvio Brenzi explained to Council it was not prepared correctly.

Cr Gail Trenfield raised her concerns to a few members who has signed the petition she has not heard of or has never lived in Yalgoo for 10 years or more.

Cr Tamisha Hodder enquired if Shire workers are allowed to sign the petition.

CEO Silvio Brenzi advised Cr Hodder that he cannot stop the workers from having a view point or an opinion on a decision . CEO Silvio Brenzi also advised he has spoken to internal staff and recommended that internal staff stay neutral. But if staff wanted to sign the petition they are entitled to.

Cr Robert Grinham enquired about the media release which said Yalgoo had 400+ residents.

President Joanne Kanny confirmed the amount with CEO Silvio Brenzi who also advised Cr Grinham, Yalgoo has 420 residents and that the statistics came from WALGA.

Cr Robert Grinham enquired as to what would be in the report if council decides to receive the petition and a report be made for council consideration.

CEO Silvio Brenzi advised Cr Grinham as to what the report may state.

**ATTENDANCE:** Gail Trenfield left the room at 12.23 pm

**ATTENDANCE:** Gail Trenfield returned to the meeting at 12.35 pm

**COUNCIL DECISION**

**C2018-0305**    Petition from the Yalgoo Community

**That the petition be received and a report be prepared for council consideration at the April 2018 Ordinary Meeting.**

**Moved:** Cr Gregory Payne

**Second:** Cr Robert Grinham

**Motion put and carried: 6/0**

**Adjournment 12.28 pm – 1.11 pm**

President Cr Joanne Kanny requested a motion be moved to adjourn for lunch. The motion was moved by Cr Gregory Payne and seconded by Cr Tamisha Hodder. There being no further debate the motion was put and carried 6/0

President Joanne Kanny re opened the meeting at 1.11 pm

Returning to the meeting were:

- Cr Joanne Kanny, Shire President
- Cr Gregory Payne, Deputy President
- Cr Robert Grinham
- Cr Percy Lawson
- Cr Gail Trenfield
- Cr Tamisha Hodder
- Silvio Brenzi, Chief Executive Officer
- Elisha Hodder, Executive Assistant

**11.     MATTERS FOR DECISION**

**11.0    MATTERS BROUGHT FORWARD**

## **11.1 TECHNICAL SERVICES**

### **11.1.1 Progress Report on the Capital Works Program 2017-18**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 March 2018
Attachments	Nil

#### **Matter for Consideration**

To receive the Progress Report on the 2017-2018 Capital Works Program.

#### **Background**

The Shire in adopting its 2017-2018 Annual Budget has allocated funds amounting to \$3,213,634 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 2017-2018 financial year are detailed be:



**CAPITAL WORKS PROGRAMME 2017-18**

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

		2017/18 ANNUAL BUDGET	2017/18 JULY- FEB ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<b><u>By Program</u></b>					The CEO to provide a verbal update on the status of the capital projects as at 28 February 2018
<b>Governance</b>					
000000-Refurbish Morning Tea /Public Meeting Room	F & E	5,000	0	5,000	Check Account Allocation Posting to incorrect account - Complete
000000- Computus Shelving for Record Management	F & E	4,000	2,436	1,564	Purchase of Shelving complete
000000-Admin Mobile Phones,laptop,Computers,Office Equip.	F & E	5,000	0	5,000	New Hard Drive Ordered to Cater for CCTV and Replacement of CEO Mobile - Mobile Received - Charged on Telstra Bill
000000-Council Chamber -Table	F & E	4,000	0	4,000	Matter for Budget Review- Purchase I-Pads for Elected members
000000- Admin Centre - Garden Reticulation	L & B	7,000	0	7,000	Check Account Allocation Posting to incorrect account - Complete
000000- Admin Centre -Records Fit Coolroom Panels to Sea Container	L & B	16,800	7,948	8,852	50% complete- Two Minor Variations for Door Access - Complete - invoice to be paid

		2017/18 ANNUAL BUDGET	2017/18 JULY- FEB ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<b><u>By Program</u></b>					The CEO to provide a verbal update on the status of the capital projects as at 28 February 2018
000000- Motor Vehicle CEO	P & E	86,030	89,370	(3,340)	Complete
000000- Motor Vehicle CGTS	P & E	66,485	0	66,485	Matter for Budget Review Lower KM's then expected to Replace in 2018-19
<b>Law Order Public Safety</b>					
000000-CCTV Yalgoo Townsite	F & E	60,248	57,369	2,879	Complete Still waiting on DEC Approval at the School Site
<b>Housing</b>					
000000-Staff Housing - Security	L & B	65,000	0	65,000	Project not commenced - Order placed with Glass-co Geraldton
000000-Two Units 17 Shemrock Street	L & B	300,000	0	300,000	Project not commenced
<b>Recreation and Culture</b>					
000000 - Furn. & Equip - Art Centre	F & E	15,430	14,984	446	Complete
000000 - Furn. & Equip - Day Care Centre	F & E	15,596	4,768	10,828	Complete
000000 - Furn. & Equip - Community Hall	F & E	0	7,936	(7,936)	Complete
000000 - Arts and Crafts Building	L & B	40,488	74,151	(33,663)	Matter for Budget Review to Complete Landscaping
000000-Power Supply Mens Shed and Rifle Club	L & B	19,000	17,260	1,740	Complete

		2017/18 ANNUAL BUDGET	2017/18 JULY- FEB ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<b><u>By Program</u></b>					The CEO to provide a verbal update on the status of the capital projects as at 28 February 2018
000000-Payne Find Complex - External Painting	L & B	8,000	7,364	636	Complete - Blinds to be replaced with remaining funds
000000-Payne Find Complex - Internal Painting	L & B	4,000	3,800	200	Complete Balance to Purchase Blinds - As above
000000 -Community and Youth Centre CLGF 2012-13 Unspent - Shade Sails	L & B	44,222	32,064	12,158	Completed Unspent portion of grant refunded \$12,158
000000 - Community Hall - Air Conditioner	L & B	10,500	0	10,500	Order Placed from Quotations
000000-Ride on Mower	P & E	25,000	25,850	(850)	Complete
000000- Community/School Oval Shared Use Development	Recreation	937,000	294,988	642,012	In Progress - Update report & Tender selection this meeting agenda for pavillian
<b>Transport</b>					
000000- Machinery Shed Depot	L & B	135,000	127,607	7,393	Complete - lights to be installed
000000-Flood Control -Fuel Station	L & B	27,300	11,962	15,338	Pumping System Purchased,Drainage Channel Quoted and Ordered
000000- Depot -Electric Boundary Fence and Gate	L & B	25,000	0	25,000	Project not commenced - Quotes received - Contractor to complete work this fortnight

		2017/18 ANNUAL BUDGET	2017/18 JULY- JAN ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<b><u>By Program</u></b>					The CEO to provide a verbal update on the status of the capital projects as at 28 February 2018
000000- Catapillar Wheel Loader 950M	P & E	314,350	315,154	(804)	Complete
000000- Paynes Find Airstrip Fence	Other	45,000	0	45,000	Project not commenced
000000-Solar Lights Paynes Find	Other	12,000	50,581	(38,581)	Complete
000000-Paynes Find Beautification	Other	18,658	224	18,434	Project not commenced allocation to be checked
<b>ROADS TO RECOVERY GRANTS</b>					
000000- Yalgoo/Morawa Road - Widen to 7m	Roads	530,119	13,000	517,119	Quotations received , quadrio to Commence in March 2018 - underway
<b>RRG SPECIAL GRANT RD WORKS</b>					
000000- Yalgoo/Ningham Road - Seal to width 4m SLK48.8 to SLK 36.6	Roads	293,500	19,240	274,260	Quotations received, quadrio to Commence in March 2018

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

		2017/18 ANNUAL BUDGET	2017/18 JULY- JAN ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<b><u>By Program</u></b>					
<b>Transport</b>					
MUNICIPAL FUND					
000000- North Road - Crossing	Roads	10,000	0	10,000	The CEO to provide a verbal update on the status of the capital projects as at 28 February 2018  Project not commenced
<b>Economic Services</b>					
000000-Caravan Park - Sealing of Parking Bays and Driveways	L & B	22,000	0	22,000	Quadrio to Complete With Other Road Projects
000000 - Storage and POS Facility - Caravan Park	L & B	18,800	18,120	680	Complete
000000- Shelter and Seating Jokker Tunnel	L & B	4,054	0	4,054	Quotations being Sought for Signage
000000- Shelter and Visitors Board at Railway Station	L & B	4,054	0	4,054	Quotations being Sought for Signage
<b>Other Property and Services</b>					
000000-Mens Shed Upgrade	L & B	15,000	35,216	(20,216)	Complete
		<b>3,213,634</b>	<b>1,231,392</b>	<b>1,982,242</b>	

## **Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained not much has changed and updated council on the Town Oval and Rifle Range.

CEO Silvio Brenzi suggested the Town oval should have a name and if so the name should be placed on the side of the Sports pavilion.

Cr Robert Grinham enquired about the towns CCTV and if the police were putting funds towards the use of the towns CCTV.

CEO Silvio Brenzi advised Cr Grinham WA Police are not interested in contributing any funds to the towns CCTV.

President Cr Joanne Kanny asked if the solar lights are completed out Payne Finds.

CEO Silvio Brenzi confirmed the solar lights at Paynes Find are up and working

## **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2018-0306     Progress Report on the Capital Works Program 2017 - 2018**

**That Council receive the Progress Report on the Capital Works Program 2017 – 2018 as at February 2018.**

**Moved: Cr Tamisha Hodder**

**Seconded: Cr Gregory Payne**

**Motion put and carried: 6/0**

## 11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

Nil

## 11.3 FINANCE

### 11.3.1 Accounts for Payment February 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 March 2018
Attachments	Nil

#### Matter for Consideration

Council approve the Accounts for Payment list for the period 1 February 2018 to 28 February 2018 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 February 2018 to 28 February 2018 are as follows:



<b>_ID</b>	<b>Creditor's Name</b>	<b>Cheque Date</b>	<b>Invoice Details</b>	<b>Total Amount Due</b>
<b>1024*2018</b>	<b>Canine Control</b>	<b>2/02/2018</b>	<b>Ranger Service: 15 January 2018</b>	<b>949.03</b>
<b>1048*2018</b>	<b>Dominic Carbone &amp; Associates</b>	<b>2/02/2018</b>	<b>Consultancy Service - Accounting and Administration</b>	<b>5,280.00</b>
<b>1059*2018</b>	<b>Trenfield, Gail</b>	<b>2/02/2018</b>	<b>Council Meeting Fee, Communications Allowance</b>	<b>527.67</b>
<b>1085*2018</b>	<b>Kanny, Joanne</b>	<b>2/02/2018</b>	<b>Meeting Fee: 25.01.2018 Communications Allowance:</b>	<b>2,825.29</b>
<b>1124*2018</b>	<b>Murchison Regional Vermin Council</b>	<b>2/02/2018</b>	<b>Precepts - Yalgoo Shire 2017/2018</b>	<b>21,604.00</b>
<b>1130*2018</b>	<b>Novus Autoglass Midwest</b>	<b>2/02/2018</b>	<b>Supply &amp; Fit Windsreen</b>	<b>334.35</b>
<b>1137*2018</b>	<b>PaynesFind Road House &amp; Tavern</b>	<b>2/02/2018</b>	<b>Ray Winfield: Accommodation &amp; Meals</b>	<b>362.50</b>
<b>1139*2018</b>	<b>Lawson, PERCY (SENIOR)</b>	<b>2/02/2018</b>	<b>Communications Allowance: December 2015 Meeting Communications Allowance: November 2014 Meeting Communications Allowance: 25.01.2018</b>	<b>875.01</b>
<b>1153*2018</b>	<b>Pratt, Ray</b>	<b>2/02/2018</b>	<b>Australia Day Resources Mirrors for Fire Truck</b>	<b>143.70</b>
<b>1158*2018</b>	<b>Grinham, Robert</b>	<b>2/02/2018</b>	<b>Council meeting fee: 25.01.2018 Communications Allowance</b>	<b>745.49</b>
<b>1220*2018</b>	<b>PAYNE, GREGORY ARTHUR</b>	<b>2/02/2018</b>	<b>Council Meeting Fee: 25.01.2018 Communications Allowance</b>	<b>809.63</b>
<b>1244*2018</b>	<b>LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA</b>	<b>2/02/2018</b>	<b>Tank Set 2017-2018 Council Corporate Membership</b>	<b>4,898.00</b>
<b>1304*2018</b>	<b>CUMMINGS, GLENN</b>	<b>2/02/2018</b>	<b>Nature Plat Space: Shade Cloth</b>	<b>91.96</b>
<b>1305*2018</b>	<b>WBS GROUP PTY LTD</b>	<b>2/02/2018</b>	<b>Depot Shed: Claim 3</b>	<b>53,130.00</b>
<b>1311*2018</b>	<b>HODDER, TAMISHA</b>	<b>2/02/2018</b>	<b>Council meeting fee, Communications allowance</b>	<b>527.67</b>

<b>_ID</b>	<b>Creditor's Name</b>	<b>Cheque Date</b>	<b>Invoice Details</b>	<b>Total Amount Due</b>
<b>1357*2018</b>	<b>ARTISTRY SIGN MAKERS</b>	<b>2/02/2018</b>	<b>Print and fit fridge signage</b>	<b>280.00</b>
<b>1366*2018</b>	<b>PANACEUM GROUP</b>	<b>2/02/2018</b>	<b>Medical Assessment Muskoskeletal Examination Drug &amp; Alcohol Screen Medical Assessment Drug &amp; Alcohol Screen Spirometry Assessment</b>	<b>3,723.50</b>
<b>1370*2018</b>	<b>OCLC (UK) LTD</b>	<b>2/02/2018</b>	<b>Amlib Annual Maintenance</b>	<b>1,511.30</b>
<b>1009*2018</b>	<b>Austral Mercantile Collection Pty Ltd</b>	<b>9/02/2018</b>	<b>Debt Collection Fees</b>	<b>241.35</b>
<b>1021*2018</b>	<b>Bunnings Building Supplies Pty Ltd</b>	<b>9/02/2018</b>	<b>PLANTS,</b>	<b>103.33</b>
<b>1028*2018</b>	<b>Civic Legal</b>	<b>9/02/2018</b>	<b>Legal Expenses</b>	<b>10,159.05</b>
<b>1040*2018</b>	<b>Courier Australia</b>	<b>9/02/2018</b>	<b>Freight Charges</b>	<b>56.99</b>
<b>1044*2018</b>	<b>Rocke, David</b>	<b>9/02/2018</b>	<b>Test airstrip lights, clean community centre YA898: Install Mirrors</b>	<b>727.50</b>
<b>1064*2018</b>	<b>REFUEL AUSTRALIA</b>	<b>9/02/2018</b>	<b>Grease,Oil &amp; Oil Pump January Fuel Chargees 2018</b>	<b>14,461.25</b>
<b>1065*2018</b>	<b>Geraldton Mower &amp; Repair Specialist</b>	<b>9/02/2018</b>	<b>HONDA CARBARETTOR FOR TRENCHING MACHINE</b>	<b>96.80</b>
<b>1067*2018</b>	<b>Geraldton Toyota</b>	<b>9/02/2018</b>	<b>YA778: 80,000km Service</b>	<b>1,267.76</b>
<b>1073*2018</b>	<b>Great Northern Rural Services.</b>	<b>9/02/2018</b>	<b>DEPOT TOOLS, INCL STEEL POSTS</b>	<b>360.41</b>
<b>1077*2018</b>	<b>Hitachi Construction Machinery(Australia)</b>	<b>9/02/2018</b>	<b>YA 465: Parts</b>	<b>931.45</b>
<b>1089*2018</b>	<b>K9 Electrical</b>	<b>9/02/2018</b>	<b>Security Alarm Monitoring: Railway Station</b>	<b>167.20</b>
<b>1101*2018</b>	<b>Marketforce</b>	<b>9/02/2018</b>	<b>Advert of Annual General Meeting of Electors Feb 2</b>	<b>557.83</b>

<b>_ID</b>	<b>Creditor's Name</b>	<b>Cheque Date</b>	<b>Invoice Details</b>	<b>Total Amount Due</b>
<b>1111*2018</b>	<b>Midwest Pest Management</b>	<b>9/02/2018</b>	<b>Rodent Control on Shire Properties and Buildings</b>	<b>880.00</b>
<b>1113*2018</b>	<b>Mingenew Community Resource Centre</b>	<b>9/02/2018</b>	<b>Emu Cup Advertising</b>	<b>76.00</b>
<b>1137*2018</b>	<b>PaynesFind Road House &amp; Tavern</b>	<b>9/02/2018</b>	<b>Fuel Purchase Job Vacancies</b>	<b>1,460.12</b>
<b>1154*2018</b>	<b>Reckon Pty Ltd</b>	<b>9/02/2018</b>	<b>Reckon Accounts Licence Renewal</b>	<b>670.00</b>
<b>1189*2018</b>	<b>Urbis Pty Ltd</b>	<b>9/02/2018</b>	<b>Planning Consultants-Paynes Find Tavern &amp; Pilroc Retreat Compliance Aud Rezoning Lots 65-66 Gibbons Street Shire of Yalgoo</b>	<b>7,564.02</b>
<b>1191*2018</b>	<b>Veolia Environmental Services</b>	<b>9/02/2018</b>	<b>Rubbisg Collection Service</b>	<b>5,007.42</b>
<b>1193*2018</b>	<b>W &amp; E Rowe Contractors</b>	<b>9/02/2018</b>	<b>Gravel Stockpiling; Ninghan Road</b>	<b>21,164.00</b>
<b>1236*2018</b>	<b>U R SAFE PTY LTD</b>	<b>9/02/2018</b>	<b>Depot: Alarm Monitoring - Jan, Feb &amp; March</b>	<b>165.00</b>
<b>1240*2018</b>	<b>Westrac Equipment Pty Ltd</b>	<b>9/02/2018</b>	<b>3x20lt Coolant, Carton of Dry Lube - Workshop</b>	<b>726.69</b>
<b>1276*2018</b>	<b>WORKWEAR GROUP</b>	<b>9/02/2018</b>	<b>Staff Work Uniform: Diane Work Uniform</b>	<b>127.60</b>
<b>1304*2018</b>	<b>CUMMINGS, GLENN</b>	<b>9/02/2018</b>	<b>YA805: Fuel Purchase</b>	<b>105.50</b>
<b>1314*2018</b>	<b>BIO DIVERSE SOLUTIONS</b>	<b>9/02/2018</b>	<b>Mapping &amp; Docs for the Bushfire Prone Areas</b>	<b>2,288.00</b>
<b>1316*2018</b>	<b>ALL PUMPS &amp; WATERBORING</b>	<b>9/02/2018</b>	<b>Pumps for Community Oval</b>	<b>2,709.30</b>
<b>1369*2018</b>	<b>GNC</b>	<b>9/02/2018</b>	<b>Tank Set</b>	<b>3,960.00</b>
<b>1016*2018</b>	<b>BOC Limited</b>	<b>16/02/2018</b>	<b>Oxygen indust g size, Dissolved acetylene d size,</b>	<b>105.73</b>
<b>1018*2018</b>	<b>BOQ Asset Finance &amp;</b>	<b>16/02/2018</b>	<b>Copier Leasing Leasing Pty Ltd</b>	<b>329.50</b>

<b>_ID</b>	<b>Creditor's Name</b>	<b>Cheque Date</b>	<b>Invoice Details</b>	<b>Total Amount Due</b>
<b>1024*2018</b>	<b>Canine Control</b>	<b>16/02/2018</b>	<b>Ranger Service: 5 &amp; 9 February 2018 Cat &amp; Dog registration straps</b>	<b>1,159.57</b>
<b>1048*2018</b>	<b>Dominic Carbone &amp; Associates</b>	<b>16/02/2018</b>	<b>Financial Consulting</b>	<b>3,575.00</b>
<b>1056*2018</b>	<b>Five Star Business Equipment &amp; Comms</b>	<b>16/02/2018</b>	<b>Photocopier Meter Reading</b>	<b>722.73</b>
<b>1211*2018</b>	<b>DEFLECTOR MINING LIMITED</b>	<b>16/02/2018</b>	<b>Refund Rates-Tenement overpayment 16.10.2017</b>	<b>301.25</b>
<b>1235*2018</b>	<b>ELLIS &amp; SONS CONSTRUCTION</b>	<b>16/02/2018</b>	<b>27 Stanley St: Repairs to carport Progressive payment for works: Documents room</b>	<b>9,760.00</b>
<b>1264*2018</b>	<b>PINPOINT CLEANING SOLUTIONS</b>	<b>16/02/2018</b>	<b>Monthly clean of Shire Buildings</b>	<b>2,145.00</b>
<b>1272*2018</b>	<b>LGRCEU</b>	<b>16/02/2018</b>	<b>Monthly Payroll Deduction: January 2018</b>	<b>63.50</b>
<b>1305*2018</b>	<b>WBS GROUP PTY LTD</b>	<b>16/02/2018</b>	<b>Depot Machinery Shed: Claim 4</b>	<b>18,260.00</b>
<b>1309*2018</b>	<b>SHIRE OF YALGOO</b>	<b>16/02/2018</b>	<b>Monthly Payroll Deduction: January 2018 Monthly Payroll Deduction: January 2018</b>	<b>1,750.00</b>
<b>1337*2018</b>	<b>HILLE, THOMPSON &amp; DELFOS</b>	<b>16/02/2018</b>	<b>Town Oval: setup for detailed fencing Yalgoo Rifle Club: Prepare drawings &amp; setout of me</b>	<b>4,477.00</b>
<b>1365*2018</b>	<b>WAINWRIGHT, J &amp; K</b>	<b>16/02/2018</b>	<b>Pro-Rata of 2017/18 rate paid: Nalbarra Station</b>	<b>809.16</b>
<b>1367*2018</b>	<b>HORROCKS ENTERPRISES PTY LTD</b>	<b>16/02/2018</b>	<b>Rates Refund - Tenement Death</b>	<b>29.23</b>
<b>1369*2018</b>	<b>GNC</b>	<b>16/02/2018</b>	<b>Concrete</b>	<b>13,200.00</b>
<b>1372*2018</b>	<b>DARREN LONG CONSULTING</b>	<b>16/02/2018</b>	<b>Financial Consulting - End of year Financial Statements 2016-17</b>	<b>4,620.00</b>
<b>1012*2018</b>	<b>Australian Taxation Office</b>	<b>23/02/2018</b>	<b>December 2017 Activity Statement January Activity Statement</b>	<b>54,480.00</b>

<b>_ID</b>	<b>Creditor's Name</b>	<b>Cheque Date</b>	<b>Invoice Details</b>	<b>Total Amount Due</b>
<b>1025*2018</b>	<b>Castledex</b>	<b>23/02/2018</b>	<b>Longspan Racking as per quote dated 12 February201</b>	<b>2,679.60</b>
<b>1059*2018</b>	<b>Trenfield, Gail</b>	<b>23/02/2018</b>	<b>Meeting Fee: 23.02.2018 Communications Allowance:</b>	<b>527.67</b>
<b>1075*2018</b>	<b>Hallinan Refrigeration &amp; Airconditioning</b>	<b>23/02/2018</b>	<b>Supply and Installation of Fujitu Air Conditioner</b>	<b>2,764.87</b>
<b>1077*2018</b>	<b>Hitachi Construction Machinery(Australia)</b>	<b>23/02/2018</b>	<b>Parts -YA465: Hydraulic hose</b>	<b>344.83</b>
<b>1085*2018</b>	<b>Kanny, Joanne</b>	<b>23/02/2018</b>	<b>Meeting Fee: 23.02.2018 Communications Allowance:</b>	<b>1,682.87</b>
<b>1111*2018</b>	<b>Midwest Pest Management</b>	<b>23/02/2018</b>	<b>Cockroach treatment to staff housing</b>	<b>540.00</b>
<b>1139*2018</b>	<b>Lawson, PERCY (SENIOR)</b>	<b>23/02/2018</b>	<b>Council Meeting Fee: 23.02.2018 Communications Allowance</b>	<b>527.67</b>
<b>1184*2018</b>	<b>Totally Workwear Geraldton</b>	<b>23/02/2018</b>	<b>Gail Trenfield: Council Uniform as per quote 00010 TAMISHA HODDER: COUNCIL UNIFORM AS PER QUOTE 000100</b>	<b>411.90</b>
<b>1207*2018</b>	<b>Yalgoo Hotel Motel</b>	<b>23/02/2018</b>	<b>Lunch for the Ordinary Council Meeting 25 January Lunches for Council Meetings 14 December 2017 ACCOMMODATION &amp; MEALS: BILL ATYEO - 18, 19 &amp; 20 DECEMBER, Meals for Dominic Carbone (16,17,18 &amp; 19 October</b>	<b>1,160.80</b>
<b>1311*2018</b>	<b>HODDER, TAMISHA</b>	<b>23/02/2018</b>	<b>Meeting Fee: 23.02.2018 Communications Allowance:</b>	<b>527.67</b>
<b>1347*2018</b>	<b>GRANTS EMPIRE</b>	<b>23/02/2018</b>	<b>Lotterywest Application: Emu Cup</b>	<b>594.00</b>

<b>_ID</b>	<b>Creditor's Name</b>	<b>Cheque Date</b>	<b>Invoice Details</b>	<b>Total Amount Due</b>
<b>1376*2018</b>	<b>YALGOO COMMUNITY POST OFFICE</b>	<b>23/02/2018</b>	<b>May &amp; June 2016 Postal Charges July &amp; August 2016 Postal Charges September &amp; October 2016 Postal Charges November &amp; December 2016 Postal Charges January, February &amp; March 2017 Postal Charges March, April &amp; May 2017 Postal Charges May, June &amp; July 2017 Postal Charges July, August &amp; September 2017 Postal Charges October, November &amp; December 2017 Postal Charges December 2017 Postal Charges January &amp; February 2018 Postal Charges</b>	<b>5,787.26</b>
			<b>TOTAL</b>	<b>307,990.48</b>

## **Voting Requirements**

Simple Majority

Cr Robert Grinham enquired about the payment to OCLC LTD as to what is Amlib annual Maintenance.

CEO Silvio Brenzi advised Mr Grinham it is the Library Software.

Cr Gregory Payne enquired about the payments to Darren Long Consulting.

CEO Silvio Brenzi advised Cr Payne that Darren works with Dominic Carbone with the end of year financial Statements.

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

**C2018-0307    Accounts for Payment February 2018**

**That Council approve the list of accounts paid for the period 1 February 2018 to 28 February 2018 amounting to \$307,990.48 and the list be recorded in the Minutes.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Gail Trenfield**

**Motion put and carried: 6/0**

### 11.3.2 Investments as at 28 February 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 March 2018
Attachments	Nil

#### Matter for Consideration

That Council receive the Investment Report as at 28 February 2018.

#### 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 28 February 2018.

SHIRE OF YALGOO INVESTMENTS AS AT 28 February 2018								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N <sup>o</sup>	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
<b>MUNICIPAL FUND</b>								
Note Balance as per Bank Statement								
NAB	N/A	Operating a/c	50-832-4520	Ongoing	N/A	N/A	Variable	\$1,534,808.44
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$41,073.44
NAB	N/A	Term Deposit	89-977-1574	2 months 1 day	26.02.2018	27.04.2018	2.28%	\$62,236.84
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$51,776.64
<b>TOTAL</b>								<b>\$1,689,895.36</b>

RESERVE FUNDS								
NAB	N/A	Term Deposit	97-511-4454	2 months 1 day	26.02.2018	27.04.2018	2.28%	\$161,190.10
NAB	N/A	Term Deposit	89-972-5236	2 months 1 day	26.02.2018	27.04.2018	2.28%	\$447,437.54
NAB	N/A	Term Deposit	11-186-3992	2 months 1 day	26.02.2018	27.04.2018	2.28%	\$1,067,379.85
<b>TOTAL</b>								<b>\$1,676,007.49</b>

TRUST								
NAB	N/A	Trust a/c	50-832-4559	Ongoing	N/A	N/A	Variable	\$21,738.51
<b>TOTAL</b>								<b>\$21,738.51</b>

INVESTMENT REGISTER						
01 JULY 2017 TO 28 February 2018						
NATIONAL AUSTRALIA BANK						
ACCOUNT N <sup>o</sup>	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 28.02.2018	INVESTMENT TRANSFERS	CLOSING BALANCE 28.02.2018
86-538-7363	Ongoing	Variable	\$40,929.28	\$144.16	0	\$44,073.44
89-977-1574	27.04.2018	2.28%	\$61,392.89	\$843.95	0	\$62,236.84
24-831-4222	Ongoing	Variable	\$51,594.90	\$181.74	0	\$51,776.64
97-511-4454	27.04.2018	2.28%	\$158,650.69	\$2,539.41	0	\$161,190.10
89-972-5236	27.04.2018	2.28%	\$440,410.14	\$7,027.40	0	\$447,437.54
11-186-3992	27.04.2018	2.28 %	\$1,050,564.24	\$16,815.61	0	\$1,067,379.85

## **Voting Requirements**

Simple Majority

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

**C2018-0308    Investments as at 28 February 2018**

**That the Investment Report as at 28 February 2018 be received.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Gail Trenfield**

**Motion put and carried: 6/0**

### 11.3.3 Financial Activity Statement for the Period ended the 28 February 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	13 February 2018
Attachments (Green Cover) Pages 1 - 37	<ul style="list-style-type: none"> <li>• Statement of Comprehensive Income ending the 28 February 2018;</li> <li>• Financial Activity Statement; ending 28 February 2018</li> <li>• Summary of Current Assets and Current Liabilities as of 28 February 2018;</li> <li>• Statement of Current Financial Position as at 28 February 2018;</li> <li>• Detailed worksheets;</li> <li>• Other Supplementary Financial Reports:                             <ul style="list-style-type: none"> <li>○ Reserve Funds;</li> <li>○ Loan Funds;</li> <li>○ Trust Fund</li> </ul> </li> </ul>

#### Matter for Consideration

Adoption of the Monthly Financial Statements.

#### Background

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed.

#### 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**

2.4 Material Variance

## **Financial Implications**

The Financial Activity Statements reflect the financial situation of the Shire as at year to date.

## **Consultation**

Nil

## **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 column.

## **Voting Requirements**

Simple Majority

## **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2018-0309    R34 (1) Financial Activity Statement for the Period ended the 28 February 2018.**

**That Council:**

**Adopts the Financial Activity Statement for the period ended 28 February 2018.**

**Moved: Cr Robert Grinham    Seconded: Cr Percy Lawson**

**Motion put and carried: 6/0**

## 11.4 ADMINISTRATION

### 11.4.1 Report on Matters Outstanding as at 15 March 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 March 2018
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
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	Incorporate for consideration on the 2017-18 Annual Budget Review.  Project removed from budget as a separate item.
31 Mar 17	Under-taking a Review of the Shire of Yalgoo Policies	That the CEO under-take a review of the Shire Policies over the next three months	Currently under review.
28 July 2017	Review of Local Laws	Council authorised the CEO to implement a review of Local Laws	To be re-assessed in the new financial year 2018-19.
27 Oct 2017	Application for a prospecting licence	Council authorises the CEO to locate a suitable prospecting area close to the Yalgoo town site and make application to the Mining Registrar for registration under section 19 of the Mining Act.	Letter was sent on the 17 November 2017 Letter received from the Minister advised it is not considered appropriate. Report for consideration Item 11.4.4.

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
25 January 2018	Proposed Amendment No.2 to Local Planning Scheme No.2	<p>That Council Pursuant to Section 75 of the Planning and Development Act 2005 (as amended), resolve to adopt Scheme Amendment No.2 to Town Planning Scheme No.2 for the purpose of advertising:</p> <p>by:</p> <ol style="list-style-type: none"> <li>1. Reclassify Lot 65 (No. 42) Gibbons Street and Lot 66 (No.44) Gibbons Street, Yalgoo from ‘Public Purposes’ to ‘Residential (R10)’ as indicated on the Scheme Amendment Map.</li> <li>2. Forward Scheme Amendment No.1 to:                             <ol style="list-style-type: none"> <li>a. The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the <i>Planning and Development Act 2005</i>.</li> <li>b. The Western Australian Planning Commission for information.</li> </ol> </li> <li>3. As per Regulation 47 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>, subject to no objections being received from the EPA, advertise the amendment for public comment for a period of 42 days to the satisfaction of the Chief Executive Officer.</li> </ol>	Consultant Planner Urbis have been instructed to action part 2 & 3 of the resolution
25 February 2018	Proposed WA Police Communication Facility at Wurarga	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Grant planning approval for the proposed WA Police Communication Facility at Wurarga on land vested to the minister for Police, being lot 368 on plan 43526 (Reserve 53130) for the purpose of a “Communication Facility”</li> <li>2. Advise WA Police to commence an application for the rezoning of the allocated reserve via a Scheme Amendment in order to insure that the Shire of Yalgoo local planning scheme No. 2 reflects the reservation.</li> </ol>	<p>Letter Sent on the 27 February 2018 to WA Police and Urbis</p> <p>Completed from the Shire end.</p>

## **Voting Requirements**

Simple Majority

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

**C2018-0310    Report on Matters Outstanding as at 15 March 2018**

**That Council:**

**receives Report N<sup>o</sup> 11.4.1 Report on Matters Outstanding as at 15 March 2018.**

**Moved: Cr Tamisha Hodder**

**Seconded: Cr Gregory Payne**

**Motion put and carried: 6/0**

### 11.4.2 Report for Donation – Mid West Group of Affiliated Agricultural Societies

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 March 2018
Attachments	Nil

#### Matter for Consideration

That Council give consideration to making a donation to the Mid West Group of Affiliated Agricultural Societies for the purpose of presenting the mid west district display at the Perth Royal Show.

#### Background

The Shire of Yalgoo made a donation last year of \$100.00

#### Statutory Environment

##### **Shire of Yalgoo Policy 7.7 States the Following**

##### *7.7 Donations and Sponsorship*

<i>Introduction</i>	<i>From time to time, requests are received for Council to donate to particular causes or events, or to support individuals financially.</i>	
<i>Objective</i>	<i>To establish a framework for the consideration of requests for donations, sponsorship or in-kind support</i>	
<i>History</i>	<i>Adopted</i>	<i>15 May 2008</i>
	<i>Former Policy</i>	<i>4.10</i>
	<i>Amended / confirmed</i>	<i>21 August 2008</i>

#### **Policy Statement**

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*

– End of Policy

#### **Strategic Implications**

Promotion of the Shire and the Region.

#### **Consultation**

Nil



**Comment**

Letter dated 5 March 2018 received from the Midwest Group of Affiliated Agricultural Societies requesting the Shire’s financial support towards the cost of presenting the midwest district display at the Perth Royal Show.

The Shire has been contributing \$100.00 for a number of years and Council is requested to give consideration to making and increasing the donation to \$150.00. Council has allocated the sum of \$3,500 in the 2017-18 Annual Budget for Members donations and to date no expenditure has been incurred.

**Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained to council since 2009 the Shire of Yalgoo has donated \$100.00 to the Midwest Group of Affiliated Agricultural Societies to present the Midwest District Display at the Perth Royal Show.

CEO Silvio Brenzi suggested being the year 2018 prices may have changed and request the Shire of Yalgoo donate \$150.

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2018-0311     Report for Donation – Mid West Group of Affiliated Agricultural Societies**

**That Council:**

**Make a donation of \$150.00 to the Midwest Group for Affiliated Agricultural Societies Inc for the purpose of presenting the Mid West district at the Perth Royal Show.**

**Moved: Cr Percy Lawson**

**Seconded: Cr Gregory Payne**

**Motion put and carried: 6/0**

**11.4.3 Report on Bi-Monthly Community Development Officer Program**

Author:	Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	16 March 2018
Attachments	Nil

**The Finalised report will be available to Members at or prior to the Meeting.**

**Matter for Consideration**

That Council receive the Bi-Monthly Community Development Program Report.

**Background**

At the Ordinary Council Meeting held on 27<sup>th</sup> January 2017 the following motion was resolved:

*“ 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,”*

**Statutory Environment**

Nil

**Financial Implications**

Nil

**Comment**

**Voting Requirements**

Simple Majority

CEO Silvio Brenzi advised council there is no report from the Community Development Officer

**There being no report available, there was no mover and seconded. Motion lost.**

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2018-0312 Report on Bi-Monthly Community Officer Program**

**That Council:**

**Receives the Bi-Monthly Community Development Officer Program Report.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

#### 11.4.4 Application for a Prospecting Licence – Shire of Yalgoo

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	16 March 2018
Attachments	Letter from the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement dated 15 February 2018

#### Matter for Consideration

That Council authorise the Chief Executive Officer to make an application for a prospecting licence on behalf of the Shire of Yalgoo.

#### Background

In order that visitors to Yalgoo can prospect they need permission from the tenement holder or pastoral lease holder along with a Miners Right. Otherwise a Miners Right authorises the holder to prospect on Crown Land which under the mining Act is pastoral lease land (open area for grazing), vacant crown land (land not owned or reserved) and land reserved for the purpose of Common, mining and public liability.

Council at its meeting held on the 27 October 2017 resolved a follows:

*“That Council authorise the Chief Executive Officer to locate a suitable prospecting area close to the Yalgoo Townsite and make application to the Mining Registrar for registration under section 19 of the Mining Act .”*

#### Statutory Environment

##### **PART IIIA Miner’s rights and related permits**

##### **40A. Terms used**

In this Part —

**available land**, in relation to a miner’s right, means —

- (a) Crown land or conservation land that is not the subject of a mining tenement; or
- (b) Crown land or conservation land that is the subject of an exploration licence if the holder of the miner’s right holds a permit under section 40E in respect of the land;

**conservation land** means land that is prescribed under section 40B as conservation land for the purposes of this Part.

##### **40B. Conservation land**

- (1) The regulations may prescribe land as conservation land for the purposes of this Part if —
  - (a) the land is of the class referred to in section 24(1)(c) and is not land that is classified as a class A reserve; and
  - (b) the care, control and management of the land is placed by order under the *Land Administration Act 1997* Part 4 with the Conservation and Parks Commission established under the *Conservation and Land Management Act 1984*.
- (2) Regulations made for the purposes of subsection (1) may only be made with the concurrence of the Minister responsible for the administration of the *Conservation and Land Management Act 1984*.

##### **40C. Issue of miner’s right**

- (1) The Minister, the Director General of Mines or a mining registrar may, on the application of any person and on being satisfied of the identity of the person, issue a miner’s right to the person.

- (2) An application for a miner’s right must be accompanied by the prescribed application fee (if any).
- (3) A miner’s right —
  - (a) must be in the prescribed form; and
  - (b) is not limited in term; and
  - (c) is not transferable.

**40D. Authorisation under miner’s right**

- (1) Subject to this Act the holder of a miner’s right is authorised to do all or any of the following things —
  - (a) pass and repass over Crown land or conservation land with such employees and agents, vehicles, machinery and equipment as may be necessary or expedient for the purpose of prospecting and marking out any land which may be made the subject of an application for a mining tenement;
  - (b) prospect for minerals and conduct tests for minerals on available land for the purpose of determining whether to mark out or apply for a mining tenement in respect of any part of the land;
  - (c) extract or remove from available land samples or specimens of rock, ore or minerals with as little damage to the surface of the land as possible, in quantities, in total or on occasions, not exceeding the prescribed limits;
  - (d) keep as the holder’s property or use for testing or evaluation purposes any samples and specimens of any mineral found by the holder on available land;
  - (e) for the purpose of prospecting and for domestic purposes and subject to the *Rights in Water and Irrigation Act 1914*, or any Act amending or replacing the relevant provisions of that Act —
    - (i) take and use water from any natural spring, lake, pool or watercourse situated in or flowing through available land; and
    - (ii) sink a well or bore on available land and take and use water from the well or bore;
  - (f) for the purpose of prospecting, camp on Crown land or conservation land in such manner and subject to such conditions as may be prescribed;
  - (g) fossick by prescribed means on Crown land or conservation land with the prior written consent of —
    - (i) any occupier of that land; and
    - (ii) if the land is subject to a mining tenement, the holder of the mining tenement.
- (2) Every miner’s right is to be regarded as having been issued subject to the conditions that the holder of the miner’s right or any other person acting in the exercise or purported exercise of an authorisation conferred or alleged to be conferred by subsection (1) —
  - (a) must not, on conservation land, do any of the things referred to in that subsection unless authorised to do so under the *Conservation and Land Management Act 1984*; and
  - (b) must not use explosives or tools, other than tools prescribed for the purposes of this paragraph or hand tools; and
  - (c) must cause to be filled in or otherwise made safe —
    - (i) all holes, pits, trenches and other disturbances on the surface of the land which were made by the person while acting in the exercise or purported exercise of the authorisation and which are likely to endanger the safety of any person or animal; and

- (ii) such other holes, pits, trenches and other disturbances made, wholly or in part, by the person as the Minister may from time to time direct;
- and
- (d) must take all necessary steps to prevent the following —
    - (i) fire damage to trees or other property;
    - (ii) damage to property or to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise.
- (3) The holder of a miner’s right is liable to pay compensation in accordance with section 123, as may be agreed or as may be determined by the warden’s court on the application of the owner or occupier of the land or of the holder of any mining tenement affected, for any loss or damage caused by, and not made good by, the holder or any other person acting in the exercise or purported exercise of an authorisation conferred or alleged to be conferred by subsection (1).
- (4) A determination made by the warden’s court under subsection (3) is, for the purposes of section 147(1), a final determination of the warden’s court.

**40E. Permit to prospect on Crown land or conservation land subject of exploration licence**

- (1) The mining registrar or the holder of a prescribed office in the Department may issue a permit to prospect for minerals on Crown land or conservation land that is the subject of an exploration licence to —
  - (a) a natural person who is the holder of a miner’s right; or
  - (b) 2 or 3 natural persons, each of whom is the holder of a miner’s right, as joint holders of the permit.
- (2) A permit cannot be issued under subsection (1) if the applicant for the permit is already the holder of a permit under this section in respect of the exploration licence to which his or her application relates.
- (3) An application for a permit —
  - (a) must be made in the prescribed form; and
  - (b) must be lodged in the prescribed manner; and
  - (c) must be accompanied by the prescribed application fee (if any).
- (4) The area of land in respect of which a permit is issued is to be specified in the permit in the prescribed manner.
- (5) A permit is subject to such conditions as are imposed in accordance with the regulations and specified in the permit.
- (6) In addition to any conditions that may be imposed under subsection (5) every permit is to be regarded as having been issued subject to conditions that the holder or each holder (in the case of joint holders) —
  - (a) must not use explosives or tools, other than hand tools, on the land the subject of the permit; and
  - (b) must not prospect below the prescribed depth; and
  - (c) must comply with the prescribed limits referred to in section 40D(1)(c); and
  - (d) must not prospect within 100 m of any activities that are being carried out under the authority of an exploration licence; and
  - (e) must not prospect on land that is the subject of a special prospecting licence under section 70.

- (7) A permit is not transferable.

**40F. Power to remove Crown land or conservation land from operation of s. 40E**

- (1) The Minister may, by notice published in the *Gazette*, declare that section 40E does not apply to Crown land or conservation land that is —
- (a) the subject of a specified exploration licence; or
  - (b) in a specified block (within the meaning of Part IV Division 2); or
  - (c) in a specified area of the State.
- (2) The Minister may, by notice published in the *Gazette*, vary or cancel a notice under subsection (1).
- (3) A notice under this section takes effect on the day on which the notice is published in the *Gazette* or such later day as is specified in the notice.
- (4) A notice under this section does not affect the operation of a permit issued under section 40E before the day on which the notice takes effect.

**40G. Limitation on actions in tort**

- (1) In this section —
- permit** means a permit issued under section 40E;
- permit land** means land that is the subject of both the permit and the exploration licence concerned.
- (2) The holder of a permit cannot bring an action in tort against the holder of an exploration licence for injury, loss or damage suffered by the holder of the permit as a result of —
- (a) the condition of the permit land; or
  - (b) a thing that the holder of the exploration licence has done on the permit land under the authority of that licence.
- (3) Nothing in subsection (2)(b) prevents the bringing of an action in tort if the thing was done —
- (a) with the deliberate intent of causing injury, loss or damage to the holder of the permit; or
  - (b) with reckless disregard for the presence of the holder of the permit on the permit land.
- (4) In this section a reference to the doing of a thing includes a reference to an omission to do a thing.

**Part IV — Mining tenements**

*Division 1 — Prospecting licence*

{39A. Deleted by No. 52 of 1995 s. 21.]

**40. Grant of prospecting licence**

- (1) Subject to this Act, the mining registrar or the warden, in accordance with section 42, may, on the application of any person grant to that person a licence to be known as a prospecting licence which shall be subject to such conditions as are prescribed or are imposed pursuant to section 24, 24A or 25 or are specified in the licence.

- (2) The area of land in respect of which any one prospecting licence may be granted shall not exceed 200 ha.
- (3) A person may be granted more than one prospecting licence.

*[Section 40 amended by No. 122 of 1982 s. 8; No. 100 of 1985 s. 27; No. 58 of 1994 s. 7; No. 5 of 1997 s. 41(2).]*

**41. Application for prospecting licence**

- (1) An application for a prospecting licence —
  - (a) shall be made in the prescribed form; and
  - (b) shall be accompanied by the amount of the prescribed rent for the first year or portion thereof as prescribed; and
  - (c) shall be made by reference to a written description of the area of land in respect of which the licence is sought, and be accompanied by a map on which are clearly delineated the boundaries of that area; and
  - [(d) deleted]*
  - (e) shall be lodged in the prescribed manner; and
  - (f) shall be accompanied by the prescribed application fee.
- (2) Within the prescribed period the applicant shall serve such notice of the application as may be prescribed, on the owner and occupier of the land to which the application relates and on such other persons as may be prescribed.
- (3) An applicant for a prospecting licence shall at the request of the mining registrar or warden furnish such further information in relation to his application, or such evidence in support thereof, as the mining registrar or warden may require but the mining registrar or warden shall not require information or evidence relating to assays or other results of any testing or sampling that the applicant may have carried out on the land the subject of his application.

*[Section 41 amended by No. 122 of 1982 s. 9; No. 52 of 1983 s. 3; No. 100 of 1985 s. 28; No. 37 of 1993 s. 26; No. 58 of 1994 s. 8; No. 12 of 2010 s. 16.]*

**42. Determination of application for prospecting licence**

- (1) A person who wishes to object to the granting of an application for a prospecting licence shall lodge a notice of objection within the prescribed time and in the prescribed manner.
- (2) Where no notice of objection is lodged within the prescribed time, or any notice of objection is withdrawn, the mining registrar may —
  - (a) grant the prospecting licence if satisfied that the applicant has complied in all respects with the provisions of this Act; or
  - (b) refuse the prospecting licence if not so satisfied.
- (3) Where a notice of objection —
  - (a) is lodged within the prescribed time; or
  - (b) is not lodged within the prescribed time but is lodged before the mining registrar has granted or refused the prospecting licence under subsection (2) and the warden is satisfied that there are reasonable grounds for late lodgement,

and the notice of objection is not withdrawn, the warden shall hear and determine the application for the prospecting licence on a day appointed by the warden and may give any person who has lodged such a notice of objection an opportunity to be heard.

*[Section 42 inserted by No. 58 of 1994 s. 9(1); amended by No. 39 of 2004 s. 56; No. 12 of 2010 s. 17.]*

**43. Prospecting licence not to include land already subject of mining tenement**

- (1) Where an application for a prospecting licence relates to land that is, or was when the application was made, the subject of a mining tenement, any prospecting licence granted in respect of that application shall not include that land.
- (2) Subsection (1) does not apply in relation to a special prospecting licence granted under section 56A, 70 or 85B or a prospecting licence granted in respect of an application under section 56B or a reversion licence application.

*[Section 43 inserted by No. 15 of 2002 s. 6; amended by No. 39 of 2004 s. 4; No. 27 of 2005 s. 5.]*

**44. Power to grant prospecting licence over all or part of land in application**

Subject to section 43, a prospecting licence may be granted in respect of all or part of the land to which the application therefor relates.

*[Section 44 amended by No. 100 of 1985 s. 30; No. 15 of 2002 s. 7.]*

**45. Term of prospecting licence**

- (1) A prospecting licence shall, subject to this Act, remain in force for a period of 4 years from and including the date on which it was granted, and shall then expire.
- (1a) Notwithstanding subsection (1) the Minister may, if satisfied that a prescribed ground for extension exists, extend the term of a prospecting licence —
  - (a) by one period of 4 years; and
  - (b) if the licence has retention status, by a further period or periods of 4 years.
- (1b) An application for the extension of the term of a prospecting licence under subsection (1a) (an **extension application**) shall be made within the prescribed time and in the prescribed manner.
- (1c) If an extension application is made in respect of a prospecting licence and the term of the licence would but for this subsection expire, the licence continues in force in respect of the land the subject of the extension application until the application is determined.
- (1d) If —
  - (a) an extension application is made in respect of a prospecting licence the term of which has been extended under subsection (1a)(a); and
  - (b) an application for retention status in respect of the prospecting licence —
    - (i) is pending when the extension application is made; or
    - (ii) is made at the same time as the extension application,
 the extension application shall not be determined until the application for retention status has been determined.
- (1e) If the holder of a prospecting licence transfers the licence after making an extension application in respect of the licence, the extension application continues in the name of the transferee of the licence as if the transferee had made it.
- (2) When a prospecting licence is surrendered, forfeited or expires the land the subject of the prospecting licence or any part thereof shall not be marked out or applied for as a prospecting licence or an exploration licence —
  - (a) by or on behalf of the person who was the holder of the prospecting licence immediately prior to the date of the surrender, forfeiture or expiry; or
  - (b) by or on behalf of any person who had an interest in the prospecting licence immediately prior to that date; or



- (c) by or on behalf of any person who is related to a person referred to in paragraph (a) or (b),

within a period of 3 months from and including that date.

- (2a) For the purposes of subsection (2)(b) the holding of shares in a listed public company which held the prospecting licence in question does not of itself constitute an interest in the prospecting licence.

*[Section 45 amended by No. 122 of 1982 s. 11; No. 100 of 1985 s. 31; No. 22 of 1990 s. 11; No. 37 of 1993 s. 5; No. 15 of 2002 s. 8; No. 39 of 2004 s. 5(1).]*

**46. Conditions attached to every prospecting licence**

In addition to any conditions that may be prescribed or imposed with respect to a prospecting licence, every prospecting licence shall be deemed to be granted subject to the condition that the holder of the licence will prospect for minerals and to the following conditions —

- (a) that all minerals of economic interest discovered in or on the land the subject of the prospecting licence be promptly reported in writing by the holder to the Minister;
- (aa) that no ground disturbing equipment will be used by the holder when prospecting on the land the subject of the prospecting licence unless —
  - (i) the holder has lodged in the prescribed manner a programme of work in respect of that use; and
  - (ia) the holder has paid the prescribed assessment fee in respect of the programme of work; and
  - (ii) the programme of work has been approved in writing by the Minister or a prescribed official;
- (b) that all holes, pits, trenches and other disturbances to the surface of the land the subject of the prospecting licence which are —
  - (i) made while prospecting; and
  - (ii) in the opinion of a prescribed official, likely to endanger the safety of any person or animal,

will be filled in or otherwise made safe to the satisfaction of the prescribed official;
- (c) that all necessary steps are taken by the holder to prevent fire, damage to trees or other property and to prevent damage to any property or damage to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise.

*[Section 46 amended by No. 69 of 1981 s. 16; No. 100 of 1985 s. 32; No. 57 of 1997 s. 89(1); No. 39 of 2004 s. 6(1); No. 51 of 2012 s. 16.]*

**46A. Conditions for prevention or reduction of injury to land**

- (1) Reasonable conditions may be imposed on the holder of a prospecting licence for the purpose of preventing or reducing, or making good, injury to the land in respect of which the licence is sought or was granted, or injury to anything on or below the natural surface of that land or consequential damage to any other land.
- (2) A condition may be imposed under this section —
  - (a) by the mining registrar, the warden or the Minister on the granting of the licence; or
  - (b) by the Minister at any subsequent time.
- (3) A condition imposed under this section may be cancelled or varied by the Minister at any time.
- (4) A condition imposed in relation to a licence under this section —

- (a) may, either in full or with sufficient particularity as to identify the recommendation or other source from which it derives, be endorsed on the licence, for which purpose the holder of the licence shall produce the licence on demand; and
- (b) whether or not so endorsed, on notice of the imposition of the condition being given in writing to the holder of the licence shall for all purposes have effect as a condition to which the licence is subject.

[Section 46A inserted by No. 22 of 1990 s. 12; amended by No. 58 of 1994 s. 9(2); No. 12 of 2010 s. 5.]

**47. Survey of area of prospecting licence not required in first instance**

- (1) On an application for a prospecting licence or on a prospecting licence being granted the land affected is not thereby required to be surveyed, but where a dispute arises with respect to the position of such land or the boundaries or any boundary thereof the warden or Minister may require a survey to be made of the boundaries or the boundary in order to settle the dispute.
- (2) A survey required under subsection (1) shall be —
  - (a) arranged in accordance with the regulations; and
  - (b) paid for by such party or parties to the dispute as the warden or the Minister determines.

[Section 47 amended by No. 100 of 1985 s. 33; No. 37 of 1993 s. 28(1); No. 39 of 2004 s. 57.]

**48. Rights conferred by prospecting licence**

A prospecting licence, while it remains in force, authorises the holder thereof, subject to this Act, and in accordance with any conditions to which the licence may be subject —

- (a) to enter and re-enter the land the subject of the licence with such agents, employees, vehicles, machinery and equipment as may be necessary or expedient for the purpose of prospecting for minerals in, on or under the land;
- (b) to prospect, subject to any conditions imposed under section 24, 24A or 25, for minerals, and to carry on such operations and carry out such works as are necessary for that purpose on such land including digging pits, trenches and holes, and sinking bores and tunnels to the extent necessary for the purpose in, on or under the land;
- (c) to excavate, extract or remove, subject to any conditions imposed under section 24, 24A or 25, from such land, earth, soil, rock, stone, fluid or mineral bearing substances in such amount, in total during the period for which the licence remains in force, as does not exceed the prescribed limit, or in such greater amount as the Minister may, in any case, approve in writing;
- (d) to take and divert, subject to the *Rights in Water and Irrigation Act 1914*, or any Act amending or replacing the relevant provisions of that Act, water from any natural spring, lake, pool or stream situate in or flowing through such land or from any excavation previously made and used for mining purposes and subject to that Act to sink a well or bore on such land and take water therefrom and to use the water so taken for his domestic purposes and for any purpose in connection with prospecting for minerals on the land.

[Section 48 amended by No. 100 of 1985 s. 34 (as amended by No. 105 of 1986 s. 4); No. 22 of 1990 s. 13; No. 5 of 1997 s. 41(2).]

**49. Holder of prospecting licence to have priority for grant of mining leases or general purpose leases**

- (1) The holder of a prospecting licence has —
  - (a) subject to this Act and to any conditions to which the prospecting licence is subject; and
  - (b) while the prospecting licence continues in force,

the right to apply for, and subject to section 75(9) to have granted pursuant to section 75(7), one or more mining leases or one or more general purpose leases or both in respect of any part or parts of the land the subject of the prospecting licence.

- (2) Where an application for a mining lease or a general purpose lease is made by the holder of a prospecting licence in respect of any land and the term of the prospecting licence would but for this subsection expire, that licence shall continue in force in respect to the land the subject of that application until the application for a lease is determined.
- (3) If, after an application is made under subsection (1) in respect of land the subject of a prospecting licence —
  - (a) the holder of the licence transfers the licence; or
  - (b) where there are 2 or more holders of the licence, a holder transfers the holder's interest in the licence,

the application continues in the name of the transferee of the licence or interest as if the transferee were the applicant or one of the applicants, as the case requires.

- (4) For the purposes of subsection (3), where there are 2 or more transferees of the prospecting licence, each of the transferees is to be regarded as an applicant for an interest in the relevant mining lease or general purpose lease that corresponds to the interest held by that transferee in the licence.

**50. Compliance with expenditure conditions**

- (1) During the currency of a prospecting licence the holder thereof shall comply with the prescribed expenditure conditions relating thereto unless in accordance with this Act total or partial exemption therefrom is granted.
- (2) In the case of a prospecting licence that has retention status, expenditure conditions prescribed for the purposes of subsection (1) —
  - (a) shall provide for a reduction calculated in the prescribed manner of the amount of expenditure required during the year of the term of the licence in which retention status is approved; and
  - (b) shall not require expenditure during any subsequent year of the term of the licence.

*[Section 50 amended by No. 39 of 2004 s. 21.]*

**51. Reports of work and expenditure**

The holder of a prospecting licence shall, at such times and in such manner as may be prescribed, file or cause to be filed a report of all work done on, and money expended in connection with, prospecting in the area the subject of the licence, during the period to which the report relates.

*[Section 51 amended by No. 58 of 1994 s. 10; No. 12 of 2010 s. 18.]*

**51A. Geological samples**

The holder of a prospecting licence shall furnish to the Minister such geological samples obtained in the course of operations conducted by the holder under the licence as the Minister may request.

*[Section 51A inserted by No. 39 of 2004 s. 43.]*

**52. Security relating to prospecting licence**

- (1) The applicant for a prospecting licence shall lodge in the prescribed manner and within the prescribed period a security, in respect of each prospecting licence to which the application

relates, for compliance with the conditions to which the prospecting licence, if granted, will from time to time be subject and with the provisions of this Part and the regulations.

- (1a) The Minister may require the holder of a prospecting licence to lodge, in the prescribed manner and within such period as the Minister specifies in writing, an additional security for compliance with conditions imposed in relation to the licence under section 46A.
- (2) A security referred to in subsection (1) or (1a) shall be in accordance with and subject to the provisions of section 126.
- (3) A prospecting licence shall not be granted unless a security has been lodged by the applicant for the prospecting licence in accordance with subsection (1).
- (4) Notwithstanding section 154(1), an applicant for a prospecting licence who fails to comply with subsection (1) does not commit an offence against this Act.

[Section 52 amended by No. 122 of 1982 s. 13; No. 100 of 1985 s. 36; No. 37 of 1993 s. 26; No. 58 of 1994 s. 11; No. 17 of 1999 s. 6(1) and (2); No. 12 of 2010 s. 19.]

### **53. Application for retention status**

- (1) In this section —  
**prospecting licence** does not include a prospecting licence that is a primary tenement for the purposes of Division 2A.
- (2) The holder of a prospecting licence may apply to the Minister for approval of retention status under section 54.
- (3) An application under subsection (2) —
  - (a) shall be in writing; and
  - (b) shall be made in the prescribed manner; and
  - (c) shall contain the prescribed information; and
  - (d) shall be accompanied by any map, statement or other information required by the regulations; and
  - (e) shall be accompanied by the prescribed application fee.
- (4) For the purposes of subsection (3)(d), but without limiting section 162(5), the regulations may require a statement or other information to be in the form of a statutory declaration.
- (5) If the holder of a prospecting licence transfers the licence after making an application under subsection (2) in respect of the licence, the application continues in the name of the transferee of the licence as if the transferee had made it.

[Section 53 inserted by No. 39 of 2004 s. 22.]

### **54. Approval of retention status**

- (1) The Minister may approve retention status for the whole or any part of the land the subject of a prospecting licence if satisfied that —
  - (a) there is an identified mineral resource located in, on or under that land; and
  - (b) the mining of that identified mineral resource is impracticable because —

- (i) the resource is uneconomic or subject to marketing problems although the resource may reasonably be expected to become economic or marketable in the future; or
  - (ii) the resource is required to sustain the future operations of an existing or proposed mining operation; or
  - (iii) there are existing political, environmental or other difficulties in obtaining requisite approvals.
- (2) An approval shall be in writing.
  - (3) An approval takes effect on the day on which notice of the approval is published in the *Gazette* or on a later day specified in the notice.
  - (4) The area of land to which an approval applies shall be an area that, in the opinion of the Minister, is sufficient to include —
    - (a) the land in, on or under which the identified mineral resource is located; and
    - (b) such other land as may be required for future mining operations in respect of that identified mineral resource.
  - (5) The area of land to which an approval applies may be less than the area of land in respect of which the approval was sought.
  - (6) If retention status is approved for part of the land the subject of a prospecting licence, the holder of the prospecting licence shall mark out in the prescribed manner the boundaries of the land covered by the approval as soon as practicable after the day on which the approval takes effect.
  - (7) If retention status is approved for part of the land the subject of a prospecting licence, the land not covered by the approval ceases to be the subject of the licence on the day on which the approval takes effect.

*[Section 54 inserted by No. 39 of 2004 s. 22.]*

**55. Consultation with other Ministers**

- (1) Before approving retention status under section 54 for land of a class referred to in section 24(1), the Minister shall consult and obtain the recommendations of the relevant responsible Minister under section 24(8).
- (2) Before approving retention status under section 54 for land in a marine management area, marine nature reserve or marine park, the Minister shall consult and obtain the recommendations of the other Ministers referred to in section 24A(6).
- (3) Before approving retention status under section 54 for land of a class referred to in section 25(1)(a), (b) or (c), the Minister shall consult and obtain the recommendations of the other Ministers referred to in section 25(2B).
- (4) Before approving retention status under section 54 for land of the class referred to in section 25(1)(d), the Minister shall consult and obtain the recommendations of the other Minister referred to in section 25(3B).

*[Section 55 inserted by No. 39 of 2004 s. 22; amended by No. 19 of 2010 s. 51.]*

**55A. Programme of work**

- (1) On the approval of retention status under section 54, or at any subsequent time, the Minister may impose on the holder of the prospecting licence a condition requiring the holder to comply with a specified programme of work in respect of the land the subject of the licence within a specified period.

- (2) Before imposing a condition under subsection (1), the Minister may require the holder of the licence to submit to the Minister a draft programme of work in a form approved by the Minister and the holder shall comply with that requirement.
- (3) A condition imposed under subsection (1) may be cancelled or varied by the Minister at any time.
- (4) A condition imposed under subsection (1) —
  - (a) may be endorsed on the prospecting licence, for which purpose the holder of the licence shall produce the licence on demand; and
  - (b) whether or not so endorsed, on notice of the imposition of the condition being given in writing to the holder of the licence shall for all purposes have effect as a condition to which the licence is subject.
- (5) In subsection (1) —

**specified** means specified in writing by the Minister.

[Section 55A inserted by No. 39 of 2004 s. 22.]

**55B. Holder of prospecting licence with retention status may be required to apply for mining lease**

- (1) The Minister may at any time, by notice in writing, require the holder of a prospecting licence that has retention status to show cause why a mining lease should not be applied for in respect of the whole or any part of the land the subject of the prospecting licence.
- (2) Where —
  - (a) the holder of a prospecting licence fails to show cause within the time specified in the notice referred to in subsection (1); or
  - (b) the Minister is of the opinion that the holder of a prospecting licence has shown insufficient cause,

the Minister may, by notice in writing, require that holder to apply in accordance with this Act for a mining lease in respect of the whole or any part of the land the subject of the prospecting licence within a period of 60 days from the giving of that notice.

[Section 55B inserted by No. 39 of 2004 s. 22.]

**56. Appeal against refusal to grant prospecting licence**

- (1) Where the mining registrar or the warden refuses to grant an application for a prospecting licence or grants the application on conditions the applicant considers unreasonable, the applicant may within the time and in the manner prescribed appeal to the Minister against such refusal or conditions as the case may be.
- (2) The Minister may dismiss the appeal or uphold the appeal and grant the application on such conditions as he considers reasonable.

[Section 56 inserted by No. 122 of 1982 s. 15; amended by No. 21 of 1993 s. 45; No. 58 of 1994 s. 9(3) and (4); No. 52 of 1995 s. 23.]

**56A. Special prospecting licences**

- (1) Where any land is the subject of a prospecting licence (in this section called the **primary tenement**) then, notwithstanding section 117, a person may at any time after the expiry of 12 months from —
  - (a) in the case of land which was the subject of a mineral claim or dredging claim granted under the repealed Act that by the operation of the transitional provisions set forth in the Second Schedule Division 1 became subject to the primary tenement, the date of approval of the claim; and
  - (b) in any other case, unless subsection (1aa) applies, the date on which the primary tenement was granted,

mark out and, in accordance with section 41, apply for a prospecting licence for gold (in this section called a **special prospecting licence**) in respect of any part of the land the subject of the primary tenement.

- (1aa) If the primary tenement was granted as a result of an application under section 56B or a reversion licence application, a special prospecting licence may be marked out and applied for at any time after the date on which the primary tenement was granted.
- (1a) A special prospecting licence may only be applied for by, granted to or held by a natural person.
- (2) Unless subsection (5a) applies, an applicant for a special prospecting licence shall, within the prescribed period, serve notice of his application on the holder of the primary tenement as if that holder were the occupier of the land to which that application relates, and subsections (3) to (5) apply in respect of that application.
- (3) If, after being served with notice of an application for a special prospecting licence, the holder of the primary tenement does not lodge an objection against that application, the mining registrar may, subject to this Act, grant that application as provided in subsection (6).
- (4) If the holder of the primary tenement lodges an objection to an application for a special prospecting licence, the warden shall obtain a report from the Director, Geological Survey, in respect of the prospecting carried on by the holder of the primary tenement on the land to which the application relates.
- (4a) A report prepared by the Director, Geological Survey for the purposes of subsection (4) is to be based solely on information contained in reports filed by or on behalf of the holder of the primary tenement under section 51 or 115A.
- (5) After hearing an objection referred to in subsection (4), the warden may refuse the application for the special prospecting licence concerned on the ground that prospecting for gold on the land to which that application relates would result in undue detriment to the prospecting being carried on by the holder of the primary tenement or he may recommend that application to the Minister, who may —
- (a) refuse that application; or
  - (b) subject to this Act, grant that application as provided in subsection (6),
- but, if the warden refuses an application under this subsection, the applicant may within the time and in the manner prescribed appeal to the Minister against that refusal and the Minister may dismiss that appeal or uphold that appeal and grant that application as provided in subsection (6).
- (5a) If at the time when an applicant for a special prospecting licence marked out the land to which his application relates —
- (a) a special prospecting licence was in force in respect of land the subject of the primary tenement; or
  - (b) another application for a special prospecting licence in respect of land the subject of the primary tenement had been made, but had not been determined, under this section,
- the applicant shall, within the prescribed period and in the prescribed manner, lodge the written consent of the holder of the primary tenement to the grant of his application.
- (5b) If written consent to the grant of an application is lodged in accordance with subsection (5a), the mining registrar may, subject to this Act, grant the application as provided for in subsection (6).
- (6) Subject to this section, the mining registrar or the Minister may grant an application for a special prospecting licence on such terms and conditions as he thinks fit, but a special prospecting licence so granted —

- (a) shall not exceed 10 ha in area; and
  - (b) shall authorise the holder thereof to prospect only for gold; and
  - (c) shall not, unless the Minister otherwise directs, prevent the holder of the primary tenement from prospecting for minerals other than gold in or on the land the subject of the special prospecting licence; and
  - (d) does not authorise the holder thereof to excavate, extract or remove during the period for which the tenement remains in force a total amount of earth, soil, rock, stone, fluid or mineral bearing substances in excess of 500 t, except in so far as the prior written approval of the Minister may otherwise permit; and
  - (e) does not authorise mining to be carried out in any portion of the land that is —
    - (i) below a depth specified in the terms and conditions of the special prospecting licence, and any depth so specified shall be less than 50 m below the lowest part of the natural surface of the land the subject of the special prospecting licence; or
    - (ii) if a depth is not so specified, 50 m or more below the lowest part of the natural surface of the land the subject of the special prospecting licence, except in so far as both the prior written consent of the holder of the primary tenement and the prior written approval of the Minister may otherwise permit.
- (6aa) A special prospecting licence may be granted for a period of 3 months or for any period which is a multiple of 3 months but which does not exceed 4 years.
- (6a) A special prospecting licence —
- (a) continues in force notwithstanding that the holder of the primary tenement may apply for and be granted a retention licence, mining lease or general purpose lease in respect to the land; but
  - (b) ceases (and the land in respect to which it was granted reverts to the primary tenement holder as an integral part of the tenement held by him) on the surrender, forfeiture or expiry of that special prospecting licence.
- (7) No legal or equitable interest in or affecting —
- (a) a special prospecting licence; or
  - (b) a mining lease in respect of the land or any part thereof the subject of a special prospecting licence,
- is capable of being created, affected or dealt with, whether directly or indirectly, except with the prior written consent of the holder of the primary tenement, and no person shall hold or have any beneficial, legal or equitable interest in —
- (c) more than 10 such special prospecting licences; or
  - (d) more than one such mining lease.
- (7a) A reference in subsection (7) to a person includes a reference to any other person who would, for the purposes of the Corporations Act, be taken to be an associate of the first-mentioned person.
- (7b) No more than one mining lease in respect of the land or any part thereof which is the subject of a special prospecting licence shall be granted in respect of the primary tenement.
- (8) The holder of a special prospecting licence granted for a period of 4 years may make an application for a mining lease for gold in respect of the land or any part thereof which is the subject of the special prospecting licence, and on an application being made the Minister may, subject to subsection (7b), grant the application for a lease in respect to that portion of the land to which the special prospecting licence relates that is less than a depth of 50 m, or such greater depth as the Minister approves with the prior written consent of the holder of the primary



tenement, below the lowest part of the natural surface of the land and on such terms and conditions as the Minister thinks fit, and thereupon the area of land in respect of which that mining lease is granted shall be excised from the primary tenement (whether or not the primary tenement has in the meantime been converted into a retention licence or a mining lease).

- (8aa) Sections 74, 74A and 75 apply to an application for a mining lease under subsection (8).
- (8a) A mining lease granted pursuant to subsection (8) —
- (a) has effect in relation to gold and any minerals occurring in conjunction with that gold;
  - (b) does not authorise the lessee thereof, his agents or employees to excavate, extract or remove a total amount of earth, soil, rock, stone, fluid or mineral bearing substances in excess of 750 t in any year, except in so far as both the prior written consent of the holder of the primary tenement and the prior written approval of the Minister may otherwise permit;
  - [(c) *deleted*]
  - (d) ceases to have effect (and the land in respect to which it was granted reverts to the primary tenement holder as an integral part of the tenement held by him) on the surrender, forfeiture or expiry of that lease.
- (9) Subject to this section, the provisions of this Act relating to —
- (a) prospecting licences apply to a special prospecting licence; and
  - (b) mining leases apply to a mining lease,
- granted under this section.
- (9a) Where, before the determination of an application for a special prospecting licence in respect of land, the primary tenement is surrendered or forfeited or expires, the application is, by virtue of this subsection, converted into an application for a prospecting licence in respect of that land and the provisions of this Act relating to such applications apply accordingly.
- (10) On the surrender, forfeiture or expiry of the primary tenement, a special prospecting licence in respect of any land the subject of the primary tenement immediately before the date of its surrender, forfeiture or expiry is, by virtue of this subsection, converted into a prospecting licence in respect of that land and, subject to subsection (11), the provisions of this Act relating to prospecting licences apply accordingly.
- (11) Where a special prospecting licence is converted into a prospecting licence, the prospecting licence remains in force, subject to this Act, for the remainder of the period for which the special prospecting licence was granted.
- (12) Subsections (9a) and (10) do not apply if —
- (a) the primary tenement is amalgamated with an exploration licence under section 67A(1); or
  - (b) prior to the surrender, forfeiture or expiry of the primary tenement the holder of the primary tenement applies for a retention licence, a mining lease or a general purpose lease and the licence or lease is subsequently granted in respect of any land the subject of the application for a special prospecting licence or the special prospecting licence, as the case requires; or
  - (c) prior to the surrender, forfeiture or expiry of the primary tenement the holder of the primary tenement makes an application under section 56B and a prospecting licence is granted as a result of that application in respect of any land the subject of the application for a special prospecting licence or the special prospecting licence, as the case requires; or

- (d) prior to the surrender, forfeiture or expiry of the primary tenement the holder of the primary tenement makes a reversion licence application and a prospecting licence or an exploration licence is granted as a result of that application in respect of any land the subject of the application for a special prospecting licence or the special prospecting licence, as the case requires.

*[Section 56A inserted by No. 122 of 1982 s. 16; amended by No. 100 of 1985 s. 37; No. 22 of 1990 s. 14; No. 21 of 1993 s. 45; No. 37 of 1993 s. 6, 10(2) and 27; No. 58 of 1994 s. 12; No. 52 of 1995 s. 24; No. 54 of 1996 s. 7 and 23; No. 10 of 2001 s. 131; No. 15 of 2002 s. 9; No. 39 of 2004 s. 8; No. 27 of 2005 s. 6; No. 12 of 2010 s. 20; No. 51 of 2012 s. 17.]*

**56B. Certain licence holders to have right to apply for further prospecting licence**

- (1) In this section —  
**relevant licence** means a prospecting licence applied for before 10 February 2006.
- (2) Despite sections 18, 23 and 27 but subject to the other provisions of this Act, the holder of a relevant licence has, while the licence continues in force, the right to apply for a prospecting licence in respect of the whole or any part of the land the subject of the relevant licence.
- (3) Where the holder of a relevant licence exercises the right conferred by subsection (2) and the term of the relevant licence would but for this subsection expire, the relevant licence shall continue in force in respect of the land the subject of the application for a prospecting licence until the application is determined.
- (4) If the holder of a relevant licence transfers the licence after making an application for a prospecting licence in the exercise of the right conferred by subsection (2), the application continues in the name of the transferee of the licence as if the transferee had made it.

*[Section 56B inserted by No. 39 of 2004 s. 7; amended by No. 51 of 2012 s. 18.]*

**Business Implications**

Nil

**Consultation**

Mines and Petroleum Office Mount Magnet

**Comment**

The letter dated 15 February 2018 was received from the Minister for Mines and Petroleum, Commerce and Industrial Relations, Electoral Affairs, Asian Engagement stating in part the following;

“While I applaud your efforts to attract tourist to the Yalgoo Shire, it would not suit your objective to have a section 19 exemption and a reserve created over the area as proposed therefore I do not consider it appropriate. If I did exempt the area under section 19, tourist would still be required to acquire a ‘Miners Right’ which is issued pursuant to section 40D of the Mining Act 1978. This right allows for persons to carry out the following activities but are not limited to:

- Prospecting for minerals (including gold);
- Mark out or apply for a mining tenement;
- Fossicking for rocks, gemstones, ect; and
- Camping for the purpose of prospecting.

The creation of the reserve under the provision of Lands Administration Act 1997 would preclude holders of a “miner’s right” from exercising the above rights, as these rights can only be exercised on Crown Land, and would therefore be counter-productive to the Shire’s intent.

Therefore, considering the Mining Act provides for prospecting on Crown Land, and land the subject of a granted exploration licence if a section 40E permit is obtained.”

The Shire can apply for a prospecting licence and will be subject to the following conditions.

- Maximum area is 200 hectares
  - The area must be marked
  - The term of a prospecting licence is 4 years with provision to extend for a further 4 year period.
  - The holder of the prospecting licence may extract or disturb up to 5,000 tonnes of materials from the ground.
  - Minimum annual expenditure commitment is \$40.00 per hectares or minimum of \$2,000.00
- The expenditure is to include

- Mineral Exploration Activities
- Mining Activities
- Aboriginal Heritage Surveys
- Annual Tenement Rent and Rates
- Administration Overheads
- Other (land access, Native Title Costs)

The prospecting licence will provide an area where visitors to Yalgoo can go prospecting with relative ease and close to the town. In turn it will create an opportunity to increase the number of tourists and to lengthen their stay to at least overnight or longer. The application fee is \$323.00 and rent is \$2.60 per ha minimum \$26.00.

### **Voting Requirements**

Simple Majority

CEO Silvio Brenzi advised this report was tabled a few months ago with all the same details.

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

**C2018-0313     Application for a Prospecting Licence – Shire of Yalgoo**

**That Council:**

**Authorise the Chief Executive Officer to locate a suitable mining tenement close to the Yalgoo Townsite and make application to the Mining Registrar for registration.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Percy Lawson**

**Motion put and carried: 6/0**

**11.4.5 Report on Awarding of Tender RFT 1- 2018 – Design and Construction of a Multi Purpose Sports Facility.**

Author:	Dominic Carbone
Interest to Declare:	No interest to disclose
Date:	17th March 2018
Tabled	Core Business Australia Tender Report

Matter for Consideration

That Council give consideration to the awarding of Tender RFT 1-2018 – Design and Construction of a Multi Purpose Sports Facility.

Background

Council in its 2017-18 Annual Budget has allocated the sum of \$937,000 for the development of the Community/School Oval Facility which incorporates the Multi Purpose Sports Facility. The Shire was successful in obtaining funding of \$787,000 from the Building Better Region Fund for the project.

Statutory Environment

*Local Government Act 1995*

**3.57. Tender for providing goods or services**

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

*Local Government (Functions and General) Regulation 1996*

*Reg. 11-24*

**Financial Implication**

The 2017-18 Annual Budget has allocated the sum of \$937,000 towards the project.

Consultation

Core Business Australia.

Comment

Core Business Australia was engaged to prepare a tender document for the design and construction on a Multi Purpose Sports Facility which was advertised in the West Australian on Saturday 13th January 2018. The tender to close as at 2:00pm Wednesday 14<sup>th</sup> February 2018.

The tenders were evaluated using the information provided in the tender submission/s utilizing the following methodology.

- Compliance with the Specification contained in the Request
- Compliance with the conditions of Tendering for the Request
- Compliance with Quality assurance requirement for the Request
- Compliance with the delivery date and
- Compliance with and completion of the price schedule

The qualitative criteria is set based on the following weightings:

- Relevant experience 15%
- Proposed Offering 25%
- Price 60%

The evaluation panel comprised of the following:

- Mr Silvio Brenzi Chief Executive Officer
- Mr Bruce Lorimer Managing Director Core Business Australia
- Mr Mark Weller Core Business Associate

Core Business Australia has provided a confidential Tender Assessment Report a copy is tabled.

The tables below details the scores for each tenderer after the completion of the weighted assessment of all criteria.

Price Criteria

Option 1					
Tenderer	Assess Yes/No	Total (ex GST)	GST	Total (inc GST)	Price Score
Murray River North Option 1	YES	916,286.00	91,628.60	1,007,914.60	00.00
Modularis Pty Ltd Option 1	Yes	510,136.36	51,013.64	561,150.00	5.00
Fleetwood Pty Ltd Option 1	Yes	624,546.36	62,454.64	687,001.00	3.59

Option 2					
Tenderer	Assess Yes/No	Total (ex GST)	GST	Total (inc GST)	Price Score
Murray River North Option 2	YES	1,002,586.00	100,258.60	1,102,844.60	0.00
Modularis Pty Ltd Option 2	Yes	675,336.36	67,533.64	742,870.00	5.00
Fleetwood Pty Ltd Option 2	Yes	718,650.91	71,865.09	790,516.00	4.34

Summary of Assessment

The following overall scores were achieved by tenderers:

Option 1						
Tenderer	Assess Yes/No	Relevant Experience 10%	Proposed Offering 10%	Price 80%	Total Score Out of 5	Rank
Murray River North Option 1	Yes	0.56	0.69	0.00	1.25	3
Modularis Pty Ltd Option 1	Yes	0.60	0.75	3.00	4.35	1
Fleetwood Pty Ltd Option 1	Yes	0.56	0.63	2.15	3.34	2

Option						
Tenderer	Assess Yes/No	Relevant Experience 10%	Proposed Offering 10%	Price 80%	Total Score Out of 5	Rank
Murray River North Option 2	Yes	0.56	0.69	0.00	1.25	3
Modularis Pty Ltd Option 2	Yes	0.60	0.75	3.00	4.35	1
Fleetwood Pty Ltd Option 2	Yes	0.56	0.63	2.60	3.79	2

The evaluation panel assessment reveals that Modularis Pty Ltd achieved the highest score of 4.35 for both options with the price of \$677,855 (including GST) for the redesign option.

#### Voting Requirements

#### Simple Majority

CEO Silvio Brenzi tabled the tender document received by Modularis and explained the changes added to the designs.

CR Percy Lawson enquired about the time frame for the project being completed.

CEO Silvio Brenzi advised it will take around 12 weeks for the pavilion to be completed.

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

**C2018-0314     Report on Awarding of Tender RFT 1- 2018 – Design and Construction of a Multi Purpose Sports Facility.**

#### **That Council**

**Awards tender RFT1-2018 for the Design and Construction of a Multi Purpose Sports Facility to Modularis Pty Ltd and each tenderer be notified in writing of the outcome of the tender including particulars relating to the successful tenderer in accordance with Regulation 19 of the Local Government (Functions and General) Regulations 1996.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Percy Lawson**

**Motion put and carried: 6/0**

### 11.4.6 Report on Financial Assistance – Yalgoo Jockey Club Inc

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 March 2018
Attachments	Letter for the Jockey Club Inc

#### Matter for Consideration

That Council give consideration to providing 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 the Yalgoo and Districts Jockey Club requesting sponsorship for the Race Meeting to be held on Saturday 21 April 2018. The Shire has allocated the \$10,000 in its 2018-19 Annual Budget to provide financial assistance for the event.

Although not requested by the Club the Shire also provides the following in-kind assistance.

- 1 Provision of a Grader and driver to grade the race track.
- 2 Provision of a water cart if required and to be on standby for race day depending on the rainfall and stewards recommendation.
3. Provision of a loader and truck including driver if required to cart dirt.

4. Provision of the Loader to be on standby on race day in case of the disposal of an animal.
5. The Shire to assist with security fencing, rubbish bins and removal

Should Shire plant be required as stated above the club be requested to liaise with the Works Foreman Mr Ray Pratt and the Chief Executive Officer Silvio Brenzi..

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 if required
- 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

**ATTENDANCE:** Cr Gregory Payne left the room at 2.02 pm

**ATTENDANCE:** Cr Gregory Payne returned to the meeting at 2.04 pm

**ATTENDANCE:** Cr Percy Lawson left the room at 2.05 pm

**ATTENDANCE:** Cr Percy Lawson returned to the meeting at 2.07 pm

President Cr Joanne Kanny advised funds were allocated in the annual budget to sponsor the Annual Races.

CEO Silvio Brenzi confirmed to council that funds were budgeted for the races.

Cr Gregory Payne enquired about the amount of cash contribution to the Yalgoo Jockey Club.

CEO Silvio Brenzi advised the Shire as \$10,000 allocated in the budget to sponsor the Yalgoo Races.



**OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2018-0315     Report on Yalgoo and Districts Jockey Club Inc**

**That Council inform the Yalgoo and Districts Jockey Club Inc that the following assistance will be provided subject to the race meeting going ahead:**

- **The Grader to be made available prior to the race and then again in April for final touch ups just prior to the Race Meeting on the 21st April 2018;**
- **The Water Cart to be made available prior to race day 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 to be made available prior to race day to cart dirt to areas that may have been blown off over time;**
- **The Loader to be on standby on Race day in case of the disposal of an animal;**
- **Shire to provide Security Fencing, Rubbish Bins and Removal; and**
- **A financial contribution to the Yalgoo Jockey Club amounting to \$10,000 on the condition that if the race meeting does not go ahead this contribution is to be refunded to the Shire.**

**Moved: Cr Percy Lawson**

**Seconded: Cr Gail Trenfield**

**Motion put and carried: 6/0**

## 12. NOTICE OF MOTIONS

### 12.1 PREVIOUS NOTICE RECEIVED

#### 12.1.1 Notice of Motion received from Cr Robert Grinham and Cr Percy Lawson.

Under the Local Government Administration Regulations 1996 section 10.

Request that council rescind the decision (C2018-0211) made at the Ordinary meeting held on the 23<sup>rd</sup> February 2018.

Cr Robert Grinham enquired about the recommendation and decision (C2018-0211) made on the 23 February 2018 and asked how it became a financial decision. The media statement that Council had looked at surrounding shires and that was not in the Agenda and why wasn't other councillors aware.

Cr Gail Trenfield advised Cr Grinham back in August that she was against funding the program for 6 months in her opinion it is not financially viable to have two full time Community workers.

President Cr Joanne Kanny advised Cr Grinham the Media Release was just an overall assessment.

Cr Robert Grinham asked for the breakdown of the Cost that was stated in the Media Release.

CEO Silvio Brenzi advised Cr Grinham on the breakdown of the cost.

### COUNCIL DECISION

#### C2018-0316 Rescind Council Decision (C2018-0211)

That Council rescind the decision (C2018-0211) made at the Ordinary meeting held on the 23<sup>rd</sup> Feb 2018.

Moved: Cr Robert Grinham

Seconded: Cr Percy Lawson

Motion put and lost: 2/4

**ATTENDANCE:** Cr Gail Trenfield left the room 2.38 pm

**ATTENDANCE:** Cr Gail Trenfield returned to the meeting at 2.39 pm

## 13. URGENT BUSINESS

President Joanne Kanny remained in the meeting but excluded herself from the discussion and voting requirement as she declared a disclosure of interest to the Letter received by Ruth Rowe .

Cr Gail Trenfield declared a disclosure of interest to the Letter received by Ruth.

**ATTENDANCE:** Cr Gail Trenfield left room at 2.50 pm.

### 13.1 Support the Campaign – Geraldton Camp School

A letter was received by Ruth Rowe requesting support from the Shire of Yalgoo.

CEO Silvio Brenzi tabled the letter received by Ruth Rowe.

Cr Gregory Payne then moved the following motion.

#### Council Decision

**C2018-0317 Support the Campaign – Geraldton Camp School**

#### That Council

1. **Endorse the CEO to carry out the support mechanisms and letters to the listed Ministers included in the request letter from Ruth Rowe and that banners are printed and displayed as requested.**
2. **The Council Members present sign the supplied petition.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Tamisha Hodder**

**Motion put and carried: 4/0**

**ATTENDANCE:** Cr Gail Trenfield returned to the meeting 2.58 pm

### 13.2 Discount to MEEDAC on the Hire of the Yalgoo Community Hall To Continue The Women’s Activity Following a request from MEEDAC

That Council endorse a 50% discount to MEEDAC for the use of the community hall hire rates to carry out the Women’s Activities program.

Cr Gregory Payne then moved the following motion.

#### Council Decision

**C2018-0318 Discount to MEEDAC on the Hire of the Yalgoo Community Hall To Continue The Women’s Activity**

#### That council

**Endorse a 50% discount to MEEDAC for the use of the community hall hire rates to carry out the Women’s Activities program.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Robert Grinham**

**Motion put and carried: 6/0**

CEO Silvio Brenzi advised Council the Shire of Yalgoo Council has been picked to be a part of the Members Advisory program.

### 13.3 Add CCTV System to the Yalgoo Police Station for Professional Use

That Council request the CEO to provide a report for consideration at the meeting held on 27 April 2018 to determine the cost and requirements to add the CCTV system to the Yalgoo Police Station for professional use.

Cr Robert Grinham then moved the following motion.

#### Council Decision

#### C2018-0319 Add CCTV System to the Yalgoo Police Station for Professional Use

#### That Council

**Request the CEO to provide a report for consideration at the meeting held on 27 April 2018 to determine the cost and requirements to add the CCTV system to the Yalgoo Police Station for professional use.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Gregory Payne**

**Motion put and carried: 6/0**

**ATTENDANCE:** President Cr Joanne Kanny left the room at 3.21 pm. There being no chair, the meeting was halted.

**ATTENDANCE:** President Cr Joanne Kanny returned to the meeting at 3.22 pm

Cr Gail Trenfield tabled an email received by the Yalgoo Nurse Mary-Kate Walsh with a few requested.

- 1. Would like to see more footpaths and kerbing on the streets. Footpaths would hopefully encourage more people to walk rather than use their cars and to keep people off the roads.**

President Joanne Kanny advised the footpaths and kerbing fits in with the Community Strategic Plan.

CEO Silvio Brenzi clarified it would fit within the Community Strategic Plan.

- 2. Would like the Yalgoo Shire to lobby GRAMS to reinstate the mobile dental van visits to Yalgoo.**  
Cr Gail Trenfield suggested it be brought up at Cue Parliament.

- 3. A BBQ, Seating and Toilets located at the Rage Cage**  
CEO Silvio Brenzi advised the public toilets are close enough.

### 13.3 Outcome Report on the Family Services Program during the 6 Months

That Council request the CEO to provide a report to detail the outcomes of the 6 month Family Services Program and the services that were provided

Cr Gregory Payne then moved the following motion.

#### Council Decision

#### C2018-0320 Outcome Report on the Family Services Program During the 6 Months

#### That Council

**Request the CEO to provide a report to detail the outcomes of the 6 month Family Services Program and the services that were provided.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Robert Grinham**

**Motion put and carried: 6/0**

**ATTENDANCE:** Cr Tamisha Hodder left room at 3.23 pm

**ATTENDANCE:** Cr Tamisha Hodder returned to the meeting at 3.24 pm

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

President Cr Joanne Kanny requested that a motion be moved to go behind closed doors to discuss Items 14.1 and 14.2.

The motion was then moved by Cr Gregory Payne and second by Cr Percy Lawson

There being no further debate the motion was put to the vote and carried 6/0

The meeting was closed to the public at 3.26 pm

**ATTENDANCE:** Executive Assistant Elisha Hodder left room at 3.26 pm

### 14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

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

The following legislative extracts were downloaded from [www.auslii.edu.au](http://www.auslii.edu.au) on 8 November 2010.

#### Local Government Act 1995

##### s5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;

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

**s5.92 Access to information by council, committee members**

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

**s5.93. Improper use of information**

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

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

**Local Government (Rules of Conduct) Regulations 2007**

**s6. Use of information**

- (1) In this regulation —
  - closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
  - confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
  - non-confidential document means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
  - (a) information that the council member derived from a confidential document; or

- (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
  - (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

### 14.1 Report on Chief Executive Office Performance Review – Engagement of Consultant

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 March 2018
Attachments	Nil

#### COUNCIL DECISION

**C2018-0321 Confidential Report on Chief Executive Officer Performance Review – Engagement of Consultant**

**That Council endorse the report on Chief Executive Officer Performance Review – Engagement of consultant**

**Moved: Cr Gregory Payne                      Seconded: Cr Gail Trenfield                      Motion put and carried: 6/0**

### 14.2 Report on Response to Allegations for Suspected Misconduct

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 March 2018
Attachments	Nil

#### COUNCIL DECISION

**C2018-0322 Report on Response to Allegations for Suspected Misconduct**

**That Council receives the report on response to allegations for suspected misconduct**

**Moved: Cr Gail Trenfield                      Seconded: Cr Robert Grinham                      Motion put and carried: 6/0**

**ATTENDANCE:** Executive Assistant Elisha Hodder returned to the meeting at 3.47 pm

President Cr Joanne Kanny re opened the meeting at 3.47 pm

Returning to the meeting were:

Cr Joanne Kanny, Shire President  
Cr Gregory Payne, Deputy President  
Cr Robert Grinham  
Cr Percy Lawson  
Cr Gail Trenfield  
Cr Tamisha Hodder  
Silvio Brenzi, Chief Executive Officer  
Elisha Hodder, Executive Assistant

## 15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers Shire of Yalgoo 27 April 2018 commencing at 10.00 am.

## 16. MEETING CLOSURE

There being no further business, the President declared the Ordinary meeting closed at 3.50 pm

### DECLARATION

These minutes were confirmed at the Ordinary Council Meeting held on the \_\_\_\_\_.

Signed: \_\_\_\_\_  
Person presiding at the meeting at which these minutes were confirmed.

