



AGENDA
FOR THE ORDINARY MEETING
OF COUNCIL
TO BE HELD IN
THE COUNCIL CHAMBERS, YALGOO
ON 31 AUGUST 2018
COMMENCING 10.00 AM



SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE YALGOO COUNCIL CHAMBERS, YALGOO ON FRIDAY 31 AUGUST 2018 COMMENCING AT 10.00 AM.

Silvio Brenzi

Chief Executive Officer



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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
To be held at the Council Chambers, Yalgoo
on Friday 31 August 2018, commencing at 10.00 am.

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF
ABSENCE

APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

4.3 RESPONSE TO QUESTIONS TAKEN ON NOTICE AT IT'S ORDINARY COUNCIL MEETING HELD 27 JULY 2018.

4.1.1 Graham Bassell's question directed to CEO Silvio Brenzi.

Q. Have you completed training in conflict management skills as directed in Worksafe Improvement Notice 190010557 issued 12/12/17, AND if not why not?

RESPONSE

No. Improvement Notice 190010557 does not direct anyone to be trained.

4.1.2 Graham Bassell's question directed to CEO Silvio Brenzi.

Q. What is the name of the Company conducting the anonymous risk assessment with Shire employees?

RESPONSE

Local Government People.

4.1.3 Graham Bassell's question directed to President Cr Joanne Kanny.

I refer to Question 4.2.6 during Question Time Without Notice in the Shire of Yalgoo Ordinary Council Meeting of 25/5/18 taking place on 8/6/18. During that exchange you requested I provide a copy of the Environmental Report submitted to the Department of Environment and, specifically to the section of the report where it indicated that Community Consultation had taken place; when in fact there has been no Community Consultation. I have provided to you the relevant extract of that Environmental Report.

Q. Is Council aware of why there would be mention of Community Consultation in the report when there has been no community consultation in relation to the Yogi Magnetite Mine Project?

RESPONSE

The mining company is responsible for their report and how they progress their projects, not the Shire.

4.1.4 Graham Bassell’s question directed to President Cr Joanne Kanny.

- Q. With whom, from the Shire (Council and or Shire employee) did the author of the report consult in the preparation of her Environmental Report?**

RESPONSE

Not aware of whom they spoke to.

4.1.5 Neil Grinham question directed to Cr Tamisha Hodder

- Q. Cr T Hodder were you sworn in as a councillor on Friday 28th of October 2017?**

RESPONSE

No.

4.1.6 Neil Grinham question directed to Cr Tamisha Hodder

- Q. Cr T Hodder were you involved in a reported incident involving a Yalgoo Shire employee on Saturday 29th of October 2017?**

RESPONSE

This is a personal matter.

4.1.7 Neil Grinham question directed to Cr Tamisha Hodder

- Q. Cr T Hodder were you in close proximity to the Yalgoo shop when the violent incident took place on the 3rd of April 2018 which involved a Yalgoo Shire employee, an ex-shire employee. The ex-deputy president and his wife?**

RESPONSE

As per question 4.1.6 above, this is a personal matter.

4.1.10 Neil Grinham question directed to President Cr Joanne Kanny

Q. In reference to your answer to question 4.0.5 (Shown below) at the ordinary council meeting held on 29th June 2018.

4.0.5 Neil Grinham’s question directed to the Shire President Cr Joanne Kanny.

Q. Item 12.1.1 March meeting to rescind item 11.4.4 from February meeting does not involve the same information on the program and employee

If this was voted in favour of to rescind the motion which required an absolute majority would this involve the same program and officer to be re-instated.

Would this not require Cr Hodder to declare the same personal interest.

If Cr Hodder had declared the same personal interest this may have affected the outcome of item 12.1.1 as there would not of been an absolute majority is this not true?

A. The motion to rescind the previous resolution of Council required an absolute majority. This was not achieved so the motion lapsed. The declaration of interest is the responsibility of each elected member to declare whether they have a full interest or seek a ruling from Council in relation to the interest. Council originally resolved to continue the service for an interim period until it could determine what to do, there was no obligation to continue to employ the officer or the service.

COUNCIL DECISION
C2018-0316 Rescind Council Decision

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

Moved: Cr Robert Grinham Seconded: Cr Percy Lawson Motion put and lost: 2/4

- A. You state that “This was not achieved so the motion lapsed.” As the decision was 2/4 against, would this mean the motion was lost not lapsed?**
- B. Since Cr T Hodder did not declare an interest and voted on the motion to rescind the original decision, if Cr T Hodder had declared the same interest, what would have been the outcome of the absolute majority that was required for Item 12.1.1 of the March ordinary meeting 2018?**
- C. So who scrutinizes if Cr T Hodder has been compliant with her declaration of Interests?**

Response

- A** The motion was lost as an absolute majority was not achieved, absolute majority requires at least 4 elected members present to vote for.
- B** As per A above.
- C** The declaration of interest is the responsibility of each elected member to declare whether they have a full interest or seek a ruling from Council in relation to their interest.

4.1.11 Neil Grinham question directed to President Cr Joanne Kanny

- Q. Are Councillors aware of any accidents that may have occurred with-in the Yalgoo town common that have involved children, youth and adults not wearing helmets.**

Is it acceptable by Council to allow members of the public to ride motorbikes with-in the Yalgoo town common.

RESPONSE

There is no specific item relating to not wearing helmets have been presented to council for decision, Council does not “police” matters nor “allow” unlawful practices.

4.1.12 Neil Grinham question directed to President Cr Joanne Kanny

I will re-ask question 4.0.7 from the ordinary council meeting dated 29 June 2018.

- Q. Could President Joanne Kanny please give a more detail to what programs/activities that were actually held by the Yalgoo Shire for reconciliation week?**

In your answer below you refer to the original question not asking about programs which is irrelevant to this question and it does not ask explanation for your personnel where bout’s or events you are attending as President of the Shire.

4.0.7 Neil Grinham’s question directed to the Shire President Cr Joanne Kanny.

Q. Could President Joanne Kanny please give a more detail to what programs/activities that were actually held by the Yalgoo Shire for reconciliation week?

A. The original question did not ask about programs held by the Shire of Yalgoo, I can reiterate that I represented the Shire at reconciliation week programs in Geraldton as listed in meetings attended by elected members.

RESPONSE

No programs were approved by Council for Reconciliation Week.

4.1.14 Neil Grinham question directed to President Cr Joanne Kanny

- Q. Has Councillor’s participated in drug and alcohol testing since the Council decision was passed on the 22nd September 2017 Item 13.2?**

Without quoting the code of conduct a Yes or No answer is all that is required.

Is the Councillor’s participation being avoided, as this was about if it was good for the staff it is good for the Councillor’s or is there no open transparency with-in the Council?

RESPONSE

No sampling as yet been conducted.

4.1.15 Neil Grinham question directed to President Cr Joanne Kanny

Q. I will re-ask this, Is the Council's only employee the CEO?

Please answer the question Yes or No. As the question is not for me to answer or for you as the current President to assume that I would know the answer.

RESPONSE

The CEO is engaged by the Council and the CEO is responsible for the employment of other employees.

4.1.16 Neil Grinham question directed to CEO Silvio Brenzi and President Cr Joanne Kanny

Q. Could the Council members that were involved in their own investigation supply the written facts and details of the information that they took into account in making a determination on such an important matter?

RESPONSE

No. private enquiries conducted are personal reference not for public disclosure.

4.1.17 Neil Grinham question directed to CEO Silvio Brenzi and President Cr Joanne Kanny

Q. Why did the Councillors who did their own research not ask the Officer to research surrounding Local Governments for comparison?

RESPONSE

Elected members are at liberty to make enquires in relation to matter/s.

4.1.18 Neil Grinham question directed to CEO Silvio Brenzi and President Cr Joanne Kanny

Q. Were all the Councillors involved in the research/investigation being carried out?

RESPONSE

Unknown

4.1.19 Neil Grinham question directed to CEO Silvio Brenzi and President Cr Joanne Kanny

- Q. Would this investigation being carried out by Councillors without informing the Officer and not making their findings from the investigation known to the Officer or the public make the decision Item 11.4.4 in the 23rd of February 2018 ordinary meeting “Substantially different” to the officer’s recommendation under Administration regulation 11.d.a?**

RESPONSE

A report was presented to Council for consideration, elected members have the ability to make their own enquiries in relation to this matter and may use the information as they see fit when the matter is debated in Council.

4.1.20 Neil Grinham question directed to CEO Silvio Brenzi and President Cr Joanne Kanny

- Q. When there is significant changes made to programs that come under the Yalgoo Community Strategic Plan does Council have to have an extensive Community consultation process carried out before cancelling the program not after discontinuing a program that has a major impact on the social wellbeing of the children and families in Yalgoo?**

RESPONSE

Matters within the Community Strategic Plan can be reviewed and modified at any time. Consultation will take place prior to the programs being implemented in a different format.

4.1.21 Neil Grinham question directed to CEO Silvio Brenzi and President Cr Joanne Kanny

- Q. Could a full detailed breakdown of expenditure for both programs be made available? Including accommodation and all other associated costs as was supplied in item 11.4.4 at the 23rd February meeting for one of the programs. The inclusion of the Healthy community fund which is mining contributions.**

If this continues to be to difficult for the President to supply, could the CEO assist with some professional help.

RESPONSE

As this detailed breakdown is time consuming and Council resources are limited the information will be provided prior to the meeting or at the next scheduled meeting.

4.1.22 Neil Grinham question directed to CEO Silvio Brenzi and President Cr Joanne Kanny

In your media release I quote you saying in the 2nd “paragraph” it was decided to cease funding to the program as it was believed that this role was not financially viable to the Shire.

Than in the 4th paragraph I quote you saying “Programs specifically run by the Family Services Officer and have confidence that they will continue, just under a different format”.

Q. Have these programs continued?

RESPONSE

The old centacare program has stopped and is currently being reviewed.

The Healthy Community Program with the resignation of the Community Development Officer will be reviewed however funds have been allocated in the 2018-19 Annual Budget for the program.

4.1.23 Neil Grinham question directed to CEO Silvio Brenzi and President Cr Joanne Kanny

Q. If so which continued?

RESPONSE

Refer to previous question.

4.1.24 Neil Grinham question directed to CEO Silvio Brenzi and President Cr Joanne Kanny

Q. If it is not financially viable for the Shire, how are the programs going to continue under a different format financially?

RESPONSE

The Shire still has available funds from the Community Benefit Fund and from its own resources.

4.1.25 Neil Grinham question directed to CEO Silvio Brenzi and President Cr Joanne Kanny

Q. Where are the finance’s to run these programs under a different format coming from?

RESPONSE

As above.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION

Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 27 July 2018 be confirmed.

Moved:

Seconded:

Motion put and carried / lost

9. REPORTS OF COMMITTEE MEETINGS

9.1 Request for a Yalgoo Arts and Cultural Invoice Book

The Yalgoo Arts and Cultural Committee at its meeting held at 9.00 am on Friday 20 June 2018 resolved to adopt the following committee recommendation.

“That the Committee recommends to Council that the CEO draft an invoice book for review for use at the Yalgoo Arts and Cultural Centre”.

Whilst the Invoice/receipt book may be used at the Centre it is never the less an invoice/receipt issued by the Shire and should contain details pertaining to the Shire such as:

- Taxable Invoice
- Name
- Address
- ABN

On the basis that the Yalgoo Arts and Culture Centre is not a non for profit incorporated association but part of the Shire’s operations.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

That the Chief Executive Officer be authorised to prepare a draft invoice/receipt book to be utilised by the Yalgoo Arts and Cultural Centre and take into account that the Centre is part of the Shire’s operations.

Moved:

Seconded:

Motion put and carried / lost

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).

11. MATTERS FOR DECISION

11.1.1 Technical Services Monthly Report 31 July 2018

Author:	Ray Pratt, Works Foreman
Interest Declared:	No interest to disclose
Date:	21 August 2018
Attachments	Nil

Matter for Consideration

That Council receives the Technical Services Monthly Report as at 31 July 2018.

Background

Nil

Statutory Environment

Nil

Statutory Implications

Nil

Consultation

Nil

Comment

1 ROAD CONSTRUCTION – CAPITAL

1.1 RRG Project Yalgoo – Ninghan Road

- Extension 4 meter seal, is currently being quoted by preferred suppliers.

1.2 R2R Project Yalgoo – Morawa Road

- Widen to 7 meters, is currently being quoted by preferred supplies.

2 ROAD MAINTENANCE - OPERATIONS

2.1 Gabyon – Tardie Road

- Grade and repaired potholes along the Gabyon – Tardie Road starting from the Geraldton – Mt Magnet Rd through to Gabyon Station which is now completed.

2.2 Barnong – Wurarga Road

- Grade and repaired potholes along the Wurarga-Barnong Road, expected to be finished in the upcoming week.

2.3 Maranalgo Road

- Is currently receiving a heavy grade and roll.

2.4 Pindathuna – Gabyon Road

- Grading the full length of the Pindathunna –Gabyon Road, repairing pot holes etc.

3 OTHER INFRASTRUCTURE MAINTENANCE

3.1 Plant and Equipment

- Multi Tyre Roller currently off road needs wheel bearing and seal.
- A replacement temporary Fire Truck was received from DEFS, whilst the old fire truck is being refurbished with new safety gear.
- Cement truck and batching plant has been put to use on small projects around town.

3.2 Buildings

Fuel Station

- Installed grating, pipe work, tanks and pumps at the Fuel Station, all electrical work has been completed just waiting on the plumbing discharge pipe to be done.

3.3 Town Street

- New heritage signs have been put up around town just a few more to go.

4 PARKS AND RESERVES

4.1 Art & Culture Centre Garden

- Art Centre landscaping is partially completed all that need doing is the carpark, more retic to be installed and a few more plants to be planted to front carpark/roadside.

4.2 Community Town Oval

- Oval has been sprayed for weeds and fertilised, grass is mowed every week.
- Now due to have a light topdressing of sand ion the 28 August 2018.

4.3 Community Park, Gibbons Street

- Nil

4.4 Community Park, Shamrock Street

- Installed picnic shelter and table at the Shamrock Street Park.

5 INFRASTRUCTURE - CAPITAL

5.1 Rifle Range

- Shire staff has started on constructing the shooting mounds at the Rifle range
- Fencing will be purchased for boundary and installed over the next couple of weeks.

6 PRIVATE WORKS

6.1 Nil

7 PURCHASING

7.1 Signage

- New road signs have been purchased to replace old and damaged signs within Yalgoo

8 STAFF

8.1 Training & Licences Completed

- Majority of the depot staff have attended and completed First Aid training this July
- Craig Holland is the new Bushfire Brigade Captain.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Technical Services Monthly Report 31 July 2018

That Council:

Receive the Technical Services report as at 31 July 2018.

Moved:

Seconded:

Motion put and carried / lost

11.2 DEVELOPMENT PLANNING AND ENVIRONMENTAL HEALTH

Nil

11.3 FINANCE

11.3.1 Differential General Rates 2018-19

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21 August 2018
Attachments	Letter dated 30 August 2018 from the Department of Local Government, Sports and Cultural Industries

Matter for Consideration

The purpose of the report is for council to adopt the differential general rates imposed on the rateable property within each differential rating category. The differentiated rating categories determined by the Council are as follows.

Gross Rental Value	Rate in \$	Minimum Rate
Town Imposed	7.678277 cents	\$280.00
Town site Vacant	7.678277 cents	\$620.00

Unapproved Value	Rate in \$	Minimum Rate
Pastoral/Rural	6.77242 cents	\$280.00
Mining/Mining Tenement	37.43025 cents	\$280.00
Exploration/Prospecting	19.88253 cents	\$280.00

In accordance with Section 6.32, 6.33 and 6.36 of the Local Government Act 1995 the following actions were undertaken:

- 1/. The proposed differential general rates and minimums were advertised.
- 2/. One submission was received and Council gave consideration at its Ordinary Council Meeting held on 27 July 2018.
- 3/. Ministerial approval was obtained in accordance with Section 6.33(3) of the Local Government Act 1995.

The deficiency of expenditure over income for the purpose of striking the rates for the 2018-19 financial year amounts to \$1,784,557 and results in an increase in revenue of \$10,369 when compared to rates levied and interim rates received in 2017-18.

Background

The Council at its Ordinary Meeting held on the 28 July 2017 resolved that it intended to impose the rate in the dollar and minimums for each of the differential rating categories as detailed above.

Statutory Environment

Local Government Act 1995

s.6.32, 6.33 and 6.36

Consultation

Nil

Comment

A letter dated 30 August 2018 received from the Department of Local Government, Sport and Cultural Industries stating that approval has been given to the Shire to impose differential general rates which are more than twice the lowest rate in the dollar for UV Exploration/Prospecting and Mining/Mining Tenement.

Voting Requirements

Absolute Majority

Officer Recommendation

Differential General Rating 2018/2019

That Council adopts the following differential general rates for the 2018/2019 financial year.

Gross Rental Value	Rate in \$	Minimum Rate
Town Improved	7.67827 cents	\$280.00
Town Site Vacant	7.67827cents	\$620.00

Unapproved Value	Rate in \$	Minimum Rate
Pastoral/Rural	6.77242 cents	\$280.00
Mining/Mining Tenement	37.43025 cents	\$280.00
Exploration/Prospecting	19.88253 cents	\$280.00

Moved: **Seconded:** **Motion put and carried / lost**

11.3.2 Payment of Rate Charge 2018-19

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21 August 2018
Attachments	Nil

Matter for Consideration

The purpose of the report is for the Council to consider and impose a rate of interest on overdue rates for the 2018/19 financial year.

Background

Section 6.45 of the Local Government Act 1995 states that Rates charged may be made by single payment or a person may elect to make payment by 4 equal or nearly equal instalments, or such other method of payment by instalments as is set in the annual budget. A local Government may impose an additional charge (including an amount by the way of interest where payment of a rate charge is made by instalments).

The Shire has traditionally offered a four instalment payment option.

Financial Management Regulation 67 and 68 permits a council to impose additional charges where payment of rates is by instalments.

Section 6.50 of the Local Government Act 1995 permits a Council to determine when a rate charge becomes due and payable. The due date cannot be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued. Where a person elects to pay a rate charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

It is recommended that the due date of each instalment for the 2018/2019 financial year is as follows:

- 1st Instalment Monday, 22 October 2018
- 2nd Instalment Monday, 24 December 2018
- 3rd Instalment Monday, 25 February 2019
- 4th Instalment Monday, 29 April 2019

Section 6.51 of the Local Government Act permits the Council to impose on a rate or service charge that remains unpaid (including by instalments):

- a) Where no election has been made to pay the rate charge by instalments due
 - (I) After it becomes due and payable; or
 - (II) 35 days after the date of issue of the rate notice whichever is the later.
- b) Where an election has been made to pay the rate charge by instalments and an instalment remains unpaid after its due and payable.

Financial Management Regulation 70 states that the maximum rate of interest on overdue rates to be imposed under Section 6.51 of the Local Government Act is 11%.

It is recommended that Council impose a rate of interest of 11% to apply on overdue rates and service charges.

Section 6.45 permits a Council to impose an additional charge for the recovery of the additional cost of administration for payments made by instalment, including an amount by way of interest. Regulation 68 limits the maximum component to be imposed to be of 5.5%.

In recognition of foregone interest earnings the Shire could otherwise have achieved if rates payments were received in one payment earlier in the financial year, together with the increased administrative burden in managing multiple instalments which includes the costs of printing, postage and handling, it is

11.3.3 Imposition of Fees and Charges for 2018-19

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21 August 2018
Attachments	Nil

Matter for Consideration

The purpose of this report is for Council to give consideration to adopting the Fees and Charges detailed in the schedule of Fees and Charges incorporated in the 2018/19 Annual Budget.

Background

Pursuant to Section 6.16 of the Local Government Act 1995 and Financial Management Regulation 25, A Local Government may impose and recover a fee for a charge for any goods or services it provides or proposes to provide other than a service for which a service charge is imposed.

Notes to the Annual Budget No 16 – Fees and Charges information, details total Revenue to be derived from fees and charges for each program as required by Financial Management Regulation 25.

Statutory Environment

Local Government Act 1995s 6.16 and Financial Management Regulation 25

Consultation

Nil

Comment

Nil

Voting Requirements

Absolute Majority

Officer Recommendation

Imposition of Fees and Charges for 2018-19

That Council pursuant to Section 6.16 of the Local Government Act 1995, adopts the Fees and Charges detailed in the “Schedule of Fees and Charges” in report 2018/19 Annual Budget.

Moved: _____ Seconded: _____ Motion put and carried / lost

11.3.4 Rate Payment Incentive Scheme for 2018-19

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21 August 2018
Attachments	Nil

Matter for Consideration

The purpose of this report is to inform Council of the rate incentive scheme prize to ratepayers for the 2018/19 Financial Year.

Background

Council in past years approved a rate incentive scheme as an incentive for ratepayers to pay their rates by the due date in one lump sum by way of a \$1,000.00 cash payment.

The sum of \$1,000.00 has been allocated in the 2018/19 Annual Budget for an early incentive payment.

The following prize is offered by the Shire:

Cash prize of \$1,000.00 to the first drawn of the ratepayers who have paid their rates by the due date and in one lump sum.

Statutory Environment

Nil

Consultation

Nil

Comment

Nil

Voting Requirements

Simple Majority

Officer Recommendation

Rate Payment Incentive Scheme for 2018-19

That Council:

- 1/. Receive Report No 6.1.4 Rate Payment Incentive Scheme for 2018/19
- 2/. The draw for the prizes to be conducted on Friday, 26th October 2018.

Moved: _____ **Seconded:** _____ **Motion put and carried / lost**

11.3.5 Monthly Statement of Financial Activity – Reporting of Material Variance

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21 August 2018
Attachments	Nil

Matter for Consideration

The Local Government Financial Management Regulations 1996 requires a Local Government to prepare monthly Financial Activity Statements and report Material Variance. Council is now required to set the material variance for the 2018/19 financial year.

Background

Regulation 34 of the Local Government (Financial Management) Regulation 1996 require the following in relation to the Financial Activity Statement:

- 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.
 - (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 at the end of month to which the statement relates.

- 2/. Each Statement of Financial Activity to is to be accompanied by documents containing-
 - (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) An explanation of each of the material variances referred to in sub regulation (1) (d) ; and
 - (c) Such other supporting information as is considered relevant by the local government.

- 3/. The information in a Statement of Financial Activity may be shown-
 - (a) According to nature and type classification;
 - (b) By program; or
 - (c) By business unit.

- 4/. A Statement of Financial Activity and the accompanying documents referred to in sub regulation (2) are to be
 - (a) Presented to the Council:
 - (i) At the next ordinary meeting of the Council following the end of the month to which the statement relates; or
 - (ii) If the Statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the Council after that meeting; and
 - (b) Recorded in the minutes of the meeting at which it is presented.

- 5/. Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in Statements of Financial Activity for reporting material variances.

- 6/. In this regulation:

“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;

“restricted assets” means an asset the use of which is restricted wholly or partly by a law made or a requirement imposed outside of the control of the local government. Where the restriction is relevant to assessing the performance, financial position or financing and investment of the local government.

Accordingly in order to meet the reporting requirements of the Statement of Financial Activity Council is required to give consideration to setting the following material variances, as per previous years.

- 10% or \$10,000 whichever is the greater

Statutory Environment

Financial Management Regulation 34

Consultation

Nil

Comment

The Budget Statement of Financial Activity has been prepared and is incorporated in the 2018-19 Annual Budget. The Statement details the estimated sources of revenues and application of funds on a monthly basis year to date. These estimates will be utilised to analyse the material variances on a monthly basis.

Voting Requirements

Simple Majority

Officer Recommendation

Monthly Statement of Financial Activity – Reporting of Material Variance

That Council in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations and Australian Accounting Standard Number 5, adopts the following material variance for the 2018/19 Financial Year.

-10% or \$10,000 whichever is the greater.

Moved:

Seconded:

Motion put and carried / lost

11.3.6 2018-19 Annual Budget

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21 August 2018
Attachments	2018-19 Annual Budget

Annual Budget to be provided prior to the meeting

Matter for Consideration

The purpose of this report is for Council to give consideration and adopt the 2018/19 Annual Budget.

Background

The 2018/2019 Annual Budget has been prepared in accordance with Section 6.2 of the Local Government Act 1995 and Financial Management Regulations Part 3, Regulations 22 to 33.

DETAILS

The 2018/2019 Annual Budget comprises the following information, which is contained in the Budget Booklet:

- Budget Statement of Comprehensive Income for the year ending 30 June 2019
 - Budget Rate Setting Statement for the year ending 30 June 2019
 - Budget Cash flow Statement for the year ending 30 June 2019
 - Budget Financial Activity Statement for the year ending 20 June 2019
- Notes to the Annual Budget:
- 1) Significant Accounting Policies
 - 2) Operating, Revenues and Expenses
 - 3) Descriptions of Functions/Activities
 - 4) Operating, Revenues and Expenses
 - 5) Cash
 - 6) Disposal of Assets
 - 7) Borrowing Information
 - 8) Reserves
 - 9) Cash Flow Information
 - 10) Trust Fund Information
 - 11) Comparison with Rate Setting Budget
 - 12) Rating Information
 - 13) Service Charges
 - 14) Information about Discounts, Incentives, Concessions and Write Offs
 - 15) Interest Charges for the Late Payment of Rate Charges
 - 16) Fees and Charges Information
 - 17) Investments
 - 18) Council Members – Fees, Expenses and Allowances
 - 19) Depreciation and Non- Current Assets
 - 20) Major Land Transactions
 - 21) Joint Venture
 - 22) Trading Undertakings
 - 23) Capital and Leasing Commitments
 - 24) Financial Instruments
 - 25) Position at Commencement of Financial Year
 - 26) Acquisitions of Assets
- Schedule of Fees and Charges

Statutory Environment

Section 6.2 of the Local Government Act 1995 and Financial Management Regulations 22 to 33

Consultation

Nil

Comment

The 2018-19 Annual Budget has been prepared pursuant to the requirements of Section 6.2 of the Local Government Act 1995 and the Financial Management Regulations 22 to 33.

Voting Requirements

Absolute Majority

Officer Recommendation

2018-19 Annual Budget

That Council:

(1) Pursuant to Section 6.2 of the Local Government Act 1995 and Financial Management Regulation Part 3, Regulation 22 to 33, adopts the following Annual Budget as attached hereto.

(a) Budget Statement of Comprehensive Income for the year ending 30 June 2019

(b) Budget Rate Setting Statement for the year ending 30 June 2019

(c) Budget Cash Flow Statement for the year ending 30 June 2019

(d) Budget Financial Activity Statement for the year ending 30 June 2019

(e) Notes to the Annual Budget, being:

1) Significant Accounting Policies

2) Operating, Revenue and Expenses

3) Descriptions of Functions/Activities

4) Operating, Revenues and Expenses

5) Cash

6) Disposal of Assets

7) Borrowing Information

8) Reserves

9) Cash Flow Information

10) Trust Fund Information

11) Comparison with Rate Setting Budget

12) Rating Information

13) Service Charges

14) Information about Discounts, Incentives, Concessions and Write Offs

15) Interest Charges for the Late Payment of Rate Charge

16) Fees and Charges Information

17) Investments

18) Council Members – Fees, Expenses and Allowances

19) Depreciation on Non- Current Assets

20) Major land Transaction

21) Joint Venture

22) Trading Undertakings

23) Capital and leasing Commitments

24) Financial Instruments

25) Position at Commencement of Financial Year

26) Acquisitions of Assets

(g) Schedule of fees and Charges for 2018/19

Moved:

Seconded:

Motion put and carried / lost

11.4 ADMINISTRATION

11.4.1 Report on Matters Outstanding as at 21 August 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21 August 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
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	Funds allocated in the Draft 18/19 annual budget. Review is currently underway.
28 July 2017	Review of Local Laws	Council authorised the CEO to implement a review of Local Laws	Funds allocated in the Draft 18/19 annual budget. Review is currently underway.
23 March 2018	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.	Works Foreman advised that the Shire cannot hold a prospect Licence. CEO to contact the Department of Mining and Petroleum to discuss the matter.

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
29 June 2018	Final Adoption of Local Planning Scheme Amendment No. 2	<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to Section 75 of the <i>Planning and Development Act 2005 (as amended)</i> and Clause 50(3)(a) of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> resolve to support Amendment No.2 without modification and subsequently adopt Scheme Amendment No.2 to Local Planning Scheme No.2 by: <ol style="list-style-type: none"> i. 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. ii. Amend the Scheme Map accordingly. 2. That Council authorise the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Clause 50 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>. 3. That Council notes the submissions received during the formal advertising period, as set out in the Schedule of Submissions and the Officer recommendation in respect of each submission. 4. That Council forwards the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment documents for endorsement pursuant to Clause 53(1) of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>. 5. That Council request the Honourable Minister for Transport, Planning and Lands to grant final approval to Scheme Amendment No.2 to Local Planning Scheme No.2. 6. That Council inform those agencies and persons who made a submission on Scheme Amendment No.2 to Local Planning Scheme No.2 of its decision. 	Letter has been sent to the Minister and awaiting on the signed documentation.

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
27 April 2018	CCTV extension to service Police Station	Council approved a wireless link from the Shire Administration Centre to Yalgoo Police Station.	\$3,500 incorporated in the 2018-19 Draft Annual Budget.
26 June 2018	Paynes Find Planning Compliance Assessment	<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to Clause 10.3 of the Shire of Yalgoo Local Planning Scheme No.2 approve the respective site plans for Lot 4317, Goodingnow Road, Paynes Find WA 6612 (PilRoc Retreat) and Lot 4234, Great Northern Highway, Paynes Find WA 6612 (Paynes Find Roadhouse & Tavern); 2. Advise the owners of the property that: <ol style="list-style-type: none"> i. Any future development upon the site that requires associated planning approval are to be determined and approved by the Council accordingly; ii. Approval of the respective site plans do not constitute approval for any applications which may be pending determination by Council, and do not guarantee future approvals on the site. iii. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development 3. Provide the Compliance Assessment Report and a copy of this determination to the respective landowners. 4. Seek confirmation from the landowners in relation to the recommended scheme amendments identified in the assessment reports prior to initiation. 	Letter sent to the Minister, awaiting on signed documentation.

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
27 July 2018	Proposed Creation of an Unclassified Conservation Park over former Burnerbinmah Pastoral Lease Lands.	That the Department of Biodiversity Conversation and Attractions be advised that the Shire supports the creation of the conversation park.	Letter sent on _____.
27 July 2018	Integrity Compliance Audit Program	That the Department of Local Government Sport and Cultural Industries be advised that the Shire is willing to participate in the roll out of the Integrity Compliance Audit Program.	Letter sent on _____.
27 July 2018	Differential Rating 2018-19 Proposed Rates and Minimums.	Council to forward a copy of the report to McMahon Title Services Pty Ltd and make application to the Minister for Local Government to impose a rate in the dollar being more than twice the Lowest differential rate.	Application sent to the Minister on Monday 13 August 2018. Letter sent to McMahon Title Services Pty Ltd on _____.
27 July 2018	Reserve 11867 Great Northern Highway – Mt Singleton – Proposal for the installation of a telecommunication Facility.	That Council: Approve the application for development submitted by Planning Solutions acting on behalf of Service Stream Mobile Communications (SSMC) for their client Telstra Corporation Limited for the installation of a Mobile Phone Base Station on Reserve 11867, subject to the following conditions: 1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plans; 2. Any variations from the above shall require additional approval to be received from Council; 3. The development approved is to be substantially commenced within a period of 2 years after the date of determination. Should development not substantially commence before the expiration, approval would no longer apply and additional approvals will be required; 4. This approval does not constitute a building permit. A building permit is to be obtained prior to the commencement of any building works; and 5. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.	Letter sent to the applicant on _____.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Matters Outstanding as at 21 August 2018

That Council:

Receives Report N° 11.4.1 Report on Matters Outstanding as at 21 August 2018.

Moved:

Seconded:

Motion put and carried / lost

11.4.2 Report on Confirmation of Shire of Yalgoo participation in the ‘Murchison Geo-Region’

File:	
Author:	Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	21/8/2018
Attachments	ABC Principles information package, Scope of works

Matter for Consideration

Council to reconfirm its ongoing participation in the subregional Murchison geotourism project and being part of the “Murchison Geo Region – Home of an Aspiring Geopark”.

Background

Geotourism is:

- An emerging global economic development opportunity, which fosters tourism based upon the geology and landscapes that shape the character of a region;
- Developing rapidly on a global scale with extreme popularity in Europe and Asia (especially China, Japan and Indonesia) with ‘geoparks’ occurring on all continents, except Australia; and
- Being successfully established in remote regions across the globe, some not dissimilar to the Murchison, to help stimulate economic activity and in some instances bring communities out of poverty.

Geotourism interpretation encapsulates the ‘A’+‘B’+‘C’ principles and considerations i.e. Abiotic, Biotic and Cultural.

- Abiotic – non-living elements i.e. geology, landscapes, landforms, climate etc (Geodiversity)
- Biotic – the living elements i.e. flora and fauna (Biodiversity)
- Cultural (including indigenous culture) – past and present, built and nonliving.

The ABC principles ensure that all nature based tourists have reasons to engage with attractions i.e. for geology, plants / animals or culture. However, they are offered a more holistic explanation of the assets and the area they visit, with established links between the area’s geology / climate, flora / fauna and cultures past and present.

The Murchison is considered an ideal place for WA’s first major defined geotourism development; both from a geological perspective and for its unique natural and cultural attractions. The seven Shires in the Murchison (Cue, Meekatharra, Mount Magnet, Murchison, Sandstone, Wiluna and Yalgoo) are working together with the Mid West Development Commission (MWDC) to develop a Murchison geotourism initiative. The concept has been prioritised by the Mid West Regional Blueprint and is one of the six key priorities of the Mid West Tourism Development Strategy. A budget of \$85,000 is available, comprising \$50,000 from MWDC and \$5,000 from the seven participating Shires. The funds are being auspiced by the Shire of Mount Magnet.

MWDC was able to secure the services of Professor Ross Dowling OAM, Foundation Professor of Tourism at Edith Cowan University. Ross holds a number of national and international roles in geotourism (as well as ecotourism and cruise ship tourism), most notably as an advisor to the United Nations Educational, Scientific and Cultural Organization (UNESCO) on Global Geoparks (discussed later). Ross has been supporting this project since soon after inception. With the MWDC, Ross presented to all seven Murchison Shires (six full Council meetings) during the week of 25 June 2018. This report is offered as a follow up to that visit and presentations.

Statutory Environment

Nil.

Business Implications

Increased tourism opportunities with our entire region.

Each Shire is encouraged (no obligation) to make an annual allocation of \$5,000 to the project, which would again be auspiced by the Shire of Mount Magnet and expended on activities deemed a priority by participating Shires (as with the current budget) eg additional brochure printing, marketing etc. As indicated, Shires may choose to invest further in site infrastructure and promotion independently. It is intended that any independent Shire efforts should utilise the new branding / style guide created as part of this project to maintain consistency across the Murchison Geo Region.

Consultation

Ongoing engagement has occurred across all seven Murchison Shires / Councils and communities and with MWDC, Professor Dowling, the Governing Council of the Geological Society of Australia, Australia's Golden Outback (AGO), Forum Advocating Culture and Eco-Tourism (FACET), the Department of Mines, Industry Regulation and Safety, Department of Biodiversity, Conservation and Attractions, Ecotourism Australia and numerous others.

Comment

The Project involves establishing quality geotourism interpretation (ABC) at identified existing Shire sites and promoting them under a collective / collaborative subregional geotourism brand. As a group of high quality attractions that are properly linked, promoted and interpreted, their appeal to new visitors will be much stronger and provide the greatest chance of attracting additional tourists.

The seven Shires have confirmed their priority sites and available ABC information is being collected. There are still gaps in ABC information for various sites and Shires are still encouraged to provide additional information. The latest ABC information is attached.

A tender will soon be advertised to secure interpretation expertise to develop the branding and marketing materials – likely comprising an App, website, maps and brochures with an Interpretation Plan and Style Guides to support each Shire with the future rollout of marketing material. A draft scope of work for the interpretation services and example of potential App's are attached.

In the short term no Shires are being asked to spend additional funds on marketing materials, although some have already indicated they will allocate annual budget for signage, brochures etc. The App will not require continuous mobile phone connectivity – tourists can access all available information from each town when they collect brochures before venturing to their desired sites (which will also encourage greater town / settlement visitation). The App will also support navigation, provide links to other local assets (accommodation, fuel, events etc), allow Shires to record visitor numbers and provide a degree of traveller safety by tracking their locations, duration at sites etc.

How each Shire, communities and individuals engage with the geotourism opportunity is at their discretion. It is intended that the geotourism initiative will help increase the range and number of visitors to each town, but the extraction of local benefit will reside with existing commercial operators and new initiatives. In other geotourism areas, various businesses have been established that provide accommodation, catering, merchandising, Aboriginal enterprise, tours and associated support services for visitors eg tyre repairs, fuel. There are opportunities to proactively capture visitors for overnight or extended stays in a town (particularly during peak tourism periods) by offering events, night sky displays, Aboriginal cultural initiatives or other experiences.

UNESCO has three key 'programs', the newest of which is 'UNESCO Global Geoparks'. A geopark is a defined boundary around geotourism assets with a holistic focus on asset protection, education and sustainable 'bottom up' community and economic development. At face value the concept of a geopark aligns well with the approach proposed here.

At present, there are 140 UNESCO Global Geoparks in 38 countries, providing them globally significant endorsement and publicity. There are thousands of 'lower level' regional or national geoparks that have not yet secured (or perhaps pursued) UNESCO certification (again none in Australia). A geopark can be established at any time by the relevant local / regional governing authority (or grouping), but to achieve Global Geopark status a series of steps are required ie State and Federal government endorsement and a UNESCO assessment. Importantly, even at the highest UNESCO level, geoparks do not impose any additional restrictions upon local communities, landowners or relevant local authorities within that geopark boundary.

In China, the country with most geoparks, fees are charged to visitors entering geoparks. This is not a requirement and is not supported by the relevant federal governing authority in Australia (ie the Governing Council of the Geological Society of Australia). Domestically it is entirely up to local authorities, landowners and businesses to determine access arrangements to sites / attractions and charge accordingly. In most instances it is the secondary commercial entities that benefit financially ie accommodation, merchandise, support services (fuel, tyres etc) tour and experience providers etc.

Regions considering future potential Global Geopark status must firstly be announced by the respective local authority/ies as an 'Aspiring Geopark'. Eventually, State and National recognition is required before being nominated to UNESCO for consideration as a UNESCO Global Geopark. Each country can only nominate two geoparks each year to UNESCO for consideration. In reality this is a potential longer term goal and in the first instance the focus should be on establishing a successful geotourism product through Geo Region development.

In this instance it is proposed that the project be badged, 'Western Australia's Murchison Geo Region - Home of an Aspiring Geopark.' It is felt this provides a good basis upon which to develop the project, showing consideration of geopark status but provides time / opportunity to refine the exact scope and inclusions over time. If geopark status is eventually not desired, the by-line can simply be dropped.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Endorses the Shire of Yalgoo branding itself as part of the ‘Western Australia’s Murchison Geo Region - Home of an Aspiring Geopark’;**
- 2. Confirms primary contacts, ideally comprising Councillor, community and Aboriginal representation where possible / practical to be considered in a future report,**
- 3. Considers an annual allocation of \$5,000 to a shared project fund to be administered by the Shire of Mount Magnet for ongoing Murchison Geo Region marketing and product development; and**
- 4. Provides any input to the collated ABC information package for the Shire’s sites or to the Draft Scope of works for the interpretation services.**

Moved:

Seconded:

Motion put and carried / lost

11.4.3 Report on Change to Advertised Meeting Date – Ordinary Council Meeting 21 December 2018.

File:	
Author:	Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	21/8/2018
Attachments	Nil

Matter for Consideration

That council give consideration to change the meeting date for the December Ordinary Council meeting to be held in the Yalgoo Shire Chambers to allow for staff and members to plan end of year functions relating to council business.

Background

The Council at its December 2017 Ordinary meeting set dates, times and location for Council and Committee meetings for the 2018 calendar year.

For the month of December 2018 the following meetings were scheduled:

- 14 December Electors meeting 10.00am
- 21 December Ordinary Council Meeting 10.00am

Statutory Environment

Local Government (Administration) Regulations 1996

Reg 12(1)

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

Reg 12(2)

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

Local Government Act 1995

1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
- (a) Published in a newspaper circulating generally throughout the district; and
 - (b) Exhibited to the public on a notice board at the local government’s offices; and
 - (c) Exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
- (a) Published under subsection (1)(a) on at least one occasion; and
 - (b) Exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than — (i) the time prescribed for the purposes of this paragraph; or (ii) if no time is prescribed, 7 days.

Business Implications

Nil

Consultation

Elected Members

Comment

That Council give consideration to changing the meeting date for the Ordinary Council Meeting scheduled for Friday 21st December to Friday 14th December at 11.00am following the Electors Meeting at 10.00am.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Change to Advertised Meeting Date – Ordinary Council Meeting

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

Ordinary Council Meeting date to be changed from 21 December 2018 to 14th December 2018 at 11.00am.

Moved:

Seconded:

Motion put and carried / lost

11.4.4 Invitation – Gunduwa Forum

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21/8/2018
Attachments	Email and letter dated 15 August 2018 from GUNDUWA Regional Conservation Association

Matter for Consideration

That Council give consideration to accepting an invitation from the Gunduwa Regional Conservation Association to the Gunduwa Forum to be held on Saturday 22 September 2018 between 10.30 am to 2.00 pm at the Charles Darwin Reserve, Perenjori WA.

Background

Nil

Statutory Environment

Nil

Strategic Implication

Nil

Consultation

Nil

Comment

An Invitation has been extended to all Councillors to attend the Gunduwa Forum to be held at the Charles Darwin Reserve, Perenjori, WA on 22 September 2018 between 10.30 am and 2.00 pm.

The Open day is a free event and the Blues Concert to be held on Saturday night is a ticketed event.

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION

That Council

1. Thank the Gunduwa Regional Conversation Association for their kind invitation to the Elected members to attend the Gunduwa Forum to be held on Saturday 22 September 2018.
2. Inform the Gunduwa Regional Conversation Association that the following Councillors will be in attendance _____.

Moved: _____ Seconded: _____ Motion put and carried / lost

11.4.5 Landgate Electronic Advice of Sale 2 (EAS2) Deed of Agreement

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21/8/2018
Attachments	EAS2 Deed of Agreement

Matter for Consideration

That the Council give consideration to enter into a Deed of Agreement with Landgate for the Shire to use the Electronic Advice of Sale 2 system (EAS2) for the purpose of processing sale enquires from conveyancers.

Background

Since 1997 Landgate in conjunction with the Water Corporation and the Office of State Revenue have utilised the Electronic Advice of Sale system to send advice of sale enquiries electronically from the conveyancer to the Office of State Revenue and Water Corporation for processing with changes in technology this service is extended to local government.

Statutory Environment

Nil

Strategic Implications

Nil

Consultation

Nil

Comment

The basis of the proposed offer by Landgate to the Licensee (Local Government) is to replace the existing paper format used to send advice of sales enquires using an email format.

Landgate will collect the processing fees for each enquiry and remit it to a local government on a monthly basis. Landgate will not charge for the service.

The process allows conveyancers to enquire with the Office of State Revenue, Water Corporation and Local Governments for rating and tax information that is required when a property is being brought and sold. The new process EAS2 will allow conveyancers to submit one request to obtain information for a settlement of land electronically.

In order that the Shire of Yalgoo may use EAS2 system it needs to enter into a deed of Agreement (copy attached) with Landgate.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That Council

1. Approve entering into a Deed of Agreement with Landgate to allow the Shire of Yalgoo to utilise the Electronic Advice of Sale 2 (EAS2) system.
2. Subject to (1) above authorise the Chief Executive Officer to sign the Deed of Agreement and complete Annexure "A" and "B". to the agreement.

Moved:

Seconded:

Motion put and carried / lost

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

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

The following legislative extracts were downloaded from www.auslii.edu.au 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.

CONFIDENTIAL REPORT

14.1.1 Corruption & Crime Commission Detailed Outcome Report

Author:	President Joanne Kanny
Interest Declared:	No interest to disclose
Date:	21 August 2018
Attachments:	Corruption & Crime Commission correspondence (CCC Reference 02983/2017) and President’s letter to CEO dated 19 March 2018

14.1.2 Chief Executive Officer Employment Contract

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	22 August 2018
Attachments:	- Letter from Civic Legal - Contract of Employment clean version - Contract of Employment marked up version

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held at the Paynes Find Community Centre 28 September 2018 commencing at 10.00 am.

16. MEETING CLOSURE

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

