



AGENDA

For the Ordinary Council Meeting

Held on the 25th March 2022

Notice of Meeting

The next Ordinary Council Meeting for the Shire of Yalgoo will be held on Friday 25th March 2022 at the Core Stadium, Mitchell Street, Yalgoo commencing at 10:00am.



Ian Holland

CHIEF EXECUTIVE OFFICER

21st March 2022

Disclaimer:

The Shire of Yalgoo gives notice to members of the public that any decisions made at the meeting, can be revoked, pursuant to the Local Government Act 1995. Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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1 DECLARATION OF OPENING

The Shire President deferred chairing of the meeting to the Deputy Shire President due to electronic attendance. The Deputy Shire President welcomed those in attendance and declared the meeting open at 10.00am.

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

In accordance with section 14 of the Local Government (Administration) Regulations 1996 “Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))”, the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

Shire President

Deputy President

Councillors

Chief Executive Officer

Deputy CEO

Executive Support Officer

APOLOGIES

LEAVE OF ABSENCE

3 DISCLOSURE OF INTERESTS

Councillors and Officers are reminded of the requirements of s5.65 of the Local Government Act 1995, to verbally disclose any interest during the meeting before the matter is discussed or to provide in writing the nature of the interest to the CEO before the meeting.

4 PUBLIC QUESTION TIME

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REPONSES TO QUESTIONS TAKEN ON NOTICE

QUESTIONS TAKEN WITHOUT NOTICE

5 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Margi Weir – Executive Officer Southern Rangelands Pastoral Alliance Inc.

6 NOTICE OF MATTERS TO BE DISCUSSED BEHIND CLOSED DOORS

7 APPLICATIONS FOR LEAVE OF ABSENCE

8 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

Date	Location	Meeting	Attendance

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9 CONFIRMATION OF MINUTES

9.1 Minutes of the Ordinary Council Meeting – 25th February 2022

RECOMMENDATION

That the minutes of the Council Meeting held on the 25th February 2022 as attached be confirmed as a true and correct record.

COUNCIL RESOLUTION

Moved: Seconded:

That the minutes of the Council Meeting held on the 25th February 2022 as attached be confirmed as a true and correct record.

CARRIED:

10 MINUTES OF COMMITTEE MEETINGS

10.1 2019/20 ANNUAL AUDIT and FINANCIAL STATEMENTS

Applicant:	Shire of Yalgoo
Date:	21 March 2022
Reporting Officer:	Ian Holland Chief Executive Officer
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council accept the recommendation from the Finance/Audit Committee that the Audit Report from the Shire's auditors in respect of the 2019/20 financial years operations and the associated annual financial statements, be received.

BACKGROUND

Each year following the completion of the Audit of the Shire's operations and annual financial statements for the preceding financial year, it is a requirement of the Local Government Act 1995 that an Exit Meeting be conducted between Council members of the Finance/Audit Committee, the Council's auditors and the Office of the Auditor General to discuss the outcome of the audit and receive the annual financial statements. The Finance/Audit Committee and required to make a recommendation to the full Council meeting regarding the audit and financial statements.

COMMENT

An Audit exit meeting was held prior to the February 2022 Ordinary Meeting proceeding by teleconference attended by AMD Chartered Accountants and the Office of the Auditor General.

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STATUTORY ENVIRONMENT

NIL

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

AUDIT COMMITTEE RECOMMENDATION

That Council:

1. Receive the Report on the Audit Management Letter for the financial year ended 30 June 2020.
2. Subject to (1) above forward a copy of the Report to the Minister for Local Government, Sport and Cultural Industries and publish it on the Shires' official website.

COUNCIL RESOLUTION

Moved:

Seconded:

That Council:

1. Receive the Report on the Audit Management Letter for the financial year ended 30 June 2020.
2. Subject to (1) above forward a copy of the Report to the Minister for Local Government, Sport and Cultural Industries and publish it on the Shires' official website.

CARRIED

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10.2 COMPLIANCE AUDIT RETURN

Applicant:	Shire of Yalgoo
Date:	21 March 2022
Reporting Officer:	Ian Holland Chief Executive Officer
Disclosure of Interest:	NIL
Attachments:	Tabled Compliance Audit Return 2021

SUMMARY

That the Committee give consideration to the Compliance Audit Return 2021 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 31st March 2022.

BACKGROUND

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

COMMENT

The Shire of Yalgoo is required to carry out an Annual Compliance Audit for the period 1st January 2021 to 31st of December 2021. The Compliance Return for 2021 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 2021.

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.

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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 sub regulation (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.

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

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AUDIT COMMITTEE RECOMMENDATION

That Council adopt the Audit Committee recommendation that the 2021 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.

COUNCIL RESOLUTION

Moved: Seconded:

That Council adopt the Audit Committee recommendation that the 2021 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.

CARRIED

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10.3 2021-2022 ANNUAL BUDGET REVIEW

Applicant:	Shire of Yalgoo
Date:	21 March 2022
Reporting Officer:	Ian Holland Chief Executive Officer
Disclosure of Interest:	NIL
Attachments:	Statement of Financial Activities , Statement of Surplus/ Deficit, Statement of Closing Funds, Budget Analysis Worksheets

SUMMARY

That council consider the 2020-21 Annual Budget Review.

BACKGROUND

Regulation 33A of the Local Government Act (Financial Management) Regulations 1996 requires that a Local Government between 1st February and 31st 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.

COMMENT

A review of the Shire's 2021-22 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 2021-22 Annual Budget revealed:

- 1) An increase in operating revenue amounting to \$2,450,986 comprising of:

REVENUE

Decrease in rates levied (\$257,914)
Decrease in interest received Municipal fund (\$2,000)
Increase in fire breaks fees \$4,900

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Increase in FESA grant received
\$1,518
Decrease in staff housing rental
(\$7,000)
Decrease in reimbursement WACHS
(\$6,578)
Increase in other housing rental
\$5,000
Decrease in road agreement income
(\$1,602,158)
Increase in DFES flood damage grant
\$4,170,104
Decrease in Emu Cup funding
(\$13,455)
Increase in caravan park fees and charges
\$30,000
Decrease in reimbursement workers compensation
(\$10,000)
Increase in tourism sales
\$2,500
Increase in private works charges
\$5,868
Increase in workers compensation premium adjustment
\$13,090
Decrease in commission received motor vehicle licencing
(\$1,500)
Increase in reimbursement workers compensation
\$82,639
Increase in rental for pipeline material storage
\$30,000
Increase in other minor variance
\$5,972

\$2,450,986

- 2) An increase in operating expenditure amounting to (\$3,791,831) comprising of:

EXPENDITURE

Increase in debt collection fees
(\$8,000)
Decrease in election expenses
\$6,023

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Decrease in members other expenses
\$5,000
Increase in fire vehicles expenses
(\$20,000)
Decrease in fire prevention expenses
\$5,000
Decrease in CESM contributions
\$6,000
Decrease in animal control expenses
\$10,873
Decrease in EHO consultancy fees
\$6,000
Increase in animal ranger services
(\$12,731)
Decrease in health centre maintenance
\$6,578
Increase in housing expenses insurance
(\$6,264)
Increase in housing, expenses electricity
(\$5,100)
Decrease in household refuse collection costs
\$5,000
Decrease in refuse site Yalgoo expenses
\$4,220
Decrease in cemetery expenses
\$4,718
Decrease in public conveniences expenses
\$9,507
Decrease in community bus expenses
\$4,500
Increase in Yalgoo Hall expenses
(\$3,184)
Decrease in community park expenses
\$7,368
Decrease in Shamrock park expenses
\$2,814
Decrease in old railway station ground expenses
\$23,026
Decrease in Payne's Find complex expenses
\$5,932
Increase in Yalgoo Hub covered sports expenses
(\$21,213)
Decrease in Water Park maintenance
\$8,119
Decrease in town street maintenance
\$36,048

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Decrease in street trees and watering expenses
\$4,658
Increase in sign repairs and replacement expenses
(\$3,860)
Decrease in rural road maintenance
\$211,367
Increase in caravan park operations
(\$57,138)
Increase in flood damage repair expenses
(\$4,173,214)
Increase in tourism promotion
(\$6,580)
Decrease in Emu Cup event expenses
\$12,967
Decrease in Yalgoo racetrack expenses
\$20,000
Decrease in Yalgoo races contribution
\$10,000
Increase in Jokers tunnel expenses
(\$3,071)
Decrease in banners in the terrace
\$3,500
Increase in HCP vehicle expense
(\$3,700)
Increase in building control expenses
(\$3,000)
Increase in fuel station other expenses
(\$5,474)
Increase in private works expenses
(\$5,868)
Decrease in administrative allocation variances
\$145,111
Increase in other minor variances
(\$17,763)

(\$3,791,831)

3) Gain or loss on sale of assets:

Increase in proceeds from sale of assets
\$13,181

\$13,181

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4) Furniture and Equipment:

Additional expenditure on Financial Software
(\$20,000)

(\$20,000)

5) Land and Buildings

Additional expenditure cemetery toilet and water tank
(\$4,525)

Savings BBQ Shamrock park
\$265

Additional expenditure machinery shed concrete floor
(\$2,000)

Savings BBQ caravan park
\$265

(\$5,995)

6) Plant and Equipment

Savings – vehicle tracking
\$612

Savings – CEO vehicle
\$13,000

Savings – Subaru
\$2,000

Savings - Fortuner
\$4,987

Over expenditure – Kubota utility
(\$15,000)

Savings – box trailer
\$490

\$6,089

7) Roads Infrastructure

Savings – fixed road and wayfinding signage
\$1,893

Additional expenditure on roads to recovery – Yalgoo/Morawa rd.
(\$260,000)

(\$258,107)

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8) Infrastructure Recreation Facilities

Additional expenditure oval water treatment
(\$931)

Savings footpath sports complex to school not proceeding
\$7,000

\$6,069

9) Infrastructure Other

0

10) Reserve Funds

Reduction in transfer of funds to Yalgoo Ninghan Road Reserve
\$1,601,608

Increase transfer of funds to Yalgoo Morawa Road Reserve
(\$5,294)

Increase transfer of funds from General Road Reserve
\$80,000

\$1,676,314

11) Surplus Brought Forward

0

Net Estimated Variance (Surplus)
76,706

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

STATUTORY ENVIRONMENT

Local Government Act 1995

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.

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(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.

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION

That the Audit Committee recommends to Council

That Council:

1. Adopts the 2021-22 Annual Budget Review together with the variations detailed in the Budget Analysis Worksheet attached to this Report.

A copy of the 2021-22 Annual Budget Review and the determination be provided to the Department of Local Government and Communities.

COUNCIL RESOLUTION

Moved: Seconded:

That Council:

1. Adopts the 2021-22 Annual Budget Review together with the variations detailed in the Budget Analysis Worksheet attached to this report.

A copy of the 2021-22 Annual Budget Review and the determination be provided to the Department of Local Government and Communities.

CARRIED:

11 TECHNICAL REPORTS

11.1 CAPITAL PROGRESS REPORT

Applicant:	Shire of Yalgoo
Date:	14 March 2022
Reporting Officer:	Dominic Carbone
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

To receive the Progress Report on the 2021/22 Capital Works Program.

BACKGROUND

The Shire in its 2021/22 Annual Budget has allocated funds amounting to \$4,686,320 for the acquisition of capital assets and undertaking infrastructure works.

COMMENT

The Capital Projects are detailed below.

STATUTORY ENVIRONMENT

NIL

POLICY/FINANCIAL IMPLCATIONS

To deliver the Capital Works Program within budgeted allocations.

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council receive the Progress Report on the Capital Works Program as at 28th February 2022.

COUNCIL RESOLUTION

Moved: Seconded:

That Council receive the Progress Report on the Capital Works Program as at 28th February 2022.

CARRIED:

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CAPITAL WORKS PROGRAMME

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

		2021-22 ANNUAL BUDGET	2021-22 FEBRUARY ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<u>By Program</u>					The CEO to provide a verbal update on the status of the capital projects as at 28 February 2022
Governance					
000000-Admin Computers Hardware, System Upgrade and Telephone Replacement	F & E	37,500		37,500	
000000-External Monitor Display	F & E	40,000	18,398	21,602	Project in progress
000000-Financial Software	F & E	20,000		20,000	
000000-Tables and Chairs	F & E	5,000		5,000	
000000-Landscape - Admin Office	Other	40,000		40,000	
Law Order Public Safety					
000000- CCTV Yalgoo Townsite	F & E	10,000		10,000	
Housing					
000000-Other Housing - Nurse Accommodation	L & B	350,000		350,000	
Communities Amenties					
000000- Cemetery - Toilet and Water Tank Construction	L & B	102,000	106,525	(4,525)	Project in progress
Recreation and Culture					
000000 - Community Hall Renovations	L & B	600,000		600,000	
000000-Core Stadium Exercise Equipment	F & E	32,000		32,000	
000000- BBQ Shamrock Park	L & B	11,000	10,735	265	Completed
000000- Sports Complex -Footpath to School	Recreation	7,000		7,000	
000000- Kubota Utility	P & E	30,000		30,000	
000000- Oval Water Treatment	Recreation	23,000	4,545	18,455	Project in progress
000000- Oval Fixed Exercise Equipment	Recreation	18,000		18,000	

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

		2021-22 ANNUAL BUDGET	2021-22 FEBRUARY ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<u>By Program</u>					The CEO to provide a verbal update on the status of the capital projects as at 28 February 2022
Recreation and Culture					
000000- Dalgaraanga Crater Signage and Viewing Platform	Other	50,000	38,107	11,893	Project in progress
Transport					
000000- Machinery Shed Depot Concrete Floor 2 Bays	L & B	25,000	27,000	(2,000)	Completed
000000- Storage Shed Depot	L & B	27,000	11,032	15,968	Project in progress
000000-Skidsteer	P & E	50,000		50,000	
000000- Dual Axle Box Trailer	P & E	10,000	9,510	490	Completed
000000- Genset Trailer	P & E	30,000		30,000	
000000- Slasher Attachment	P & E	8,000		8,000	
000000-Debris Vacuum	P & E	6,100		6,100	
000000-Traffic Light Pair	P & E	36,000		36,000	
000000- Prime Mover	P & E	280,000		280,000	
000000- Portable Toilet on Trailer	P & E	8,500		8,500	
000000- Trailer Side Tipper	P & E	200,000		200,000	
000000-Works Forklift	P & E	50,000		50,000	
000000-Utility Work Crew	P & E	40,000		40,000	
000000-Satelite Phones and Vehicle Tracking	P & E	10,000	9,388	612	Completed
000000- Street Lighting	Other	50,000		50,000	
000000- Paynes Find Entry Statements	Other	35,000	18,348	18,652	Project in progress
ROADS TO RECOVERY GRANTS					
000000- Yalgoo/Morawa Road - Widen to 7m	Roads	760,000	335,055	424,945	Project in progress
RRG SPECIAL GRANT RD WORKS					
000000- Yalgoo/Ningham Road - Seal to width 4m	Roads	300,000	5,125	294,875	Project in progress

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

		2021-22 ANNUAL BUDGET	2021-22 FEBRUARY ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
By Program					The CEO to provide a verbal update on the status of the capital projects as at 28 February 2022
MUNICIPAL FUND					
000000- Sandford River Crossing	Roads	100,000		100,000	
000000- Casurina Causeway Widen to 2 Lanes	Roads	100,000		100,000	
000000-Sealing of Road to Nature Based Park	Roads	35,000		35,000	
000000-Sealing of Road and Parking Area - Yalgoo Lookout	Roads	95,000		95,000	
000000- Badga Woolshed Seal to Airstrip	Roads	120,000		120,000	
000000- Fixed Road and Wayfinding Signage	Roads	40,000		40,000	
000000- Jokers Tunnel Sealed Floodway and Impoved Access	Roads	100,000		100,000	
000000- Sealing Outside primary School	Roads	40,000		40,000	
000000- Sealing Paynes Find Poiner Cemetery	Roads	10,000		10,000	
Economic Services					
000000-Caravan Park - 2 Self Contained Accommodation Units	L & B	171,000	141,955	29,045	Project in progress
000000-Caravan Park - Commercial Washing Machine and Dryer	F & E	40,000		40,000	
000000-Caravan Park - Theme Bed Linen	F & E	3,000		3,000	
000000-Caravan Park -BBQ	L & B	11,000	10,735	265	Completed
000000-Caravan Park -Upgrade Water and Power Supply	L & B	50,000		50,000	
000000-Heritage Building Renewals	L & B	202,220		202,220	
Other Propert and Services					
000000-Solar Panel - Shire Buildings	L & B	100,000		100,000	
000000-Motor Vehicle CEO	P & E	70,000		70,000	
000000-Motor Vehicle Subaru	P & E	42,000		42,000	
000000-Motor Vehicle Fortunner	P & E	56,000	51,013	4,987	Completed
		4,686,320	795,472	3,890,848	

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11.2 TECHNICAL SERVICES REPORT AS OF 18th MARCH 2022

Applicant:	Shire of Yalgoo
Date:	18 March 2022
Reporting Officer:	Craig Holland Works Manager
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council receive the Technical Services Report as at the 18TH March 2022

COMMENT

Road Construction and Capital

Yalgoo Lookout Road work ongoing

Badja Woolshed Road work ongoing

Yalgoo-Morawa Road – Rowe Contractors working on widening of road

Road Maintenance

Maintenance Grade: Yalgoo-Ningham Road, Wagga Wagga Road to Muralgara Road, Burnabinmah-Nalbarra Road.

Plant and other infrastructure maintenance – YA329- 20,000 km service, YA453- 100,000 km service, YA807-120,000 km service, YA860-650 hr service, YA465- 1500 hr service, YA1000-70,000 km service.

Parks, Reserves and Properties

Town Street – general clean, verges slashed.

Art & Culture Centre – general gardening maintenance carried out.

Community Oval & Core Stadium – general gardening maintenance, liquid fertilization through dosing pump working well.

Community Park, Gibbons St – general gardening maintenance conducted on a weekly bases – mowing, pruning and watering.

Community Park, Shamrock St – general gardening maintenance conducted on a weekly bases – mowing, pruning and watering.

Water Park & Rage Cage – general maintenance and cleaning carried out.

Yalgoo Caravan Park – general gardening maintenance is done every two weeks.

Railway Station – general gardening maintenance conducted on a weekly bases – mowing, pruning and watering.

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Yalgoo Rubbish Tip – tip head pushed over on a weekly basis.

Airstrip Yalgoo – checked and in good condition.

Airstrip Paynes Find - checked and in good condition.

Staff: Trevor Field & Khian Hill have done basic Traffic Management course and passed.

Purchasing: Battery operated circular saw.

STATUTORY ENVIRONMENT

NIL

POLICY/FINANCIAL IMPLCATIONS

To deliver the Capital Works Program within budgeted allocations.

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council receive the Technical Services Report as of 18th March 2022

COUNCIL RESOLUTION

Moved: Seconded:

That Council receive the Technical Services Report as of 18th March 2022

CARRIED:

12 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH REPORTS

13 FINANCIAL REPORTS

13.1 LIST OF ACCOUNTS

Applicant:	Shire of Yalgoo
Date:	14 March 2022
Reporting Officer:	Dominic Carbone
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

Council approval is sought for the payments made in the period 1st February 2022 to 28th February 2022 as detailed in the List of Accounts below.

COMMENT

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 to record those accounts 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

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- 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.

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council approve the list of accounts paid for the period 1st February 2022 to 28th February 2022 amounting to **\$495,654.96** and the list be recorded in the minutes.

COUNCIL RESOLUTION

Moved: Seconded:

That Council approve the list of accounts paid for the period 1st February 2022 to 28th February 2022 amounting to **\$495,654.96** and the list be recorded in the minutes.

CARRIED:

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SHIRE OF YALGOO				
LIST OF ACCOUNTS PAID AND PAYABLE				
FOR THE PERIOD 1 FEBRUARY 2022 TO 28 FEBRUARY 2022				
	DATE	SUPPLIER	DESCRIPTION	AMOUNT \$
		MUNICIPAL FUND		
1	07-02-22	ATYEO'S ENVIRONMENTAL HEALTH SERVICES	CONSULTANCY FEES ENVIRONMENTAL HEALTH SERVICES	7,590.79
2	07-02-22	AUSTRALIAN TAXATION OFFICE	BAS ACTIVITY STATEMENT DECEMBER 2021	12,544.00
3	07-02-22	DOMINIC CARBONE AND ASSOCIATES	CONSULTANCY FEES FINANCE AND ADMINISTRATION	1,155.00
4	07-02-22	GRANTS EMPIRE	GRANT APPLICATION HERITAGE STRATEGY AND CONSERVATION AND DEVELOPMENT LOCAL PLANNING POLICY	1,320.00
5	07-02-22	HODDER MICHELLE	RATES REFUND	900.00
6	07-02-22	HOLLAND IAN	REIMBURSEMENT PURCHASES FOR CHRISTMAS FUNCTION,USB, PORT AND PC SCREEN	218.75
7	07-02-22	ILLION TENDER LINK	ADVERTISING PUBLIC TENDER YALGOO HALL REFURBISHMENT	212.30
8	07-02-22	MT MAGNET MEATS	SAUSAGES COVID CLINIC	270.00
9	07-02-22	PREMIUM PUBLISHERS	ADVERTISING 2022 AGO HOLIDAY PLANNER	1,842.50
10	07-02-22	REFUEL AUSTRALIA	FUEL JANUARY 2022	12,376.03
11	07-02-22	ROCKE DAVID	CLEANING COMMUNITY CENTRE PAYNES FIND	232.93
12	07-02-22	ROWE CONTRACTORS	PROGRESS PAYMENT YALGOO MORAWA ROAD WIDENING	336,798.00
13	07-02-22	SHIRE OF SANDSTONE	MAINTENANCE GRADE PAYNES FIND SANDSTONE ROAD	6,600.00

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SHIRE OF YALGOO				
LIST OF ACCOUNTS PAID AND PAYABLE				
FOR THE PERIOD 1 FEBRUARY 2022 TO 28 FEBRUARY 2022				
	DATE	SUPPLIER	DESCRIPTION	AMOUNT \$
14	07-02-22	TWO PLUS YOU	AUSTRALIA DAY KARAOKE NIGHT 2022	1,200.00
15	07-02-22	UTF AUSTRALIA	PURCHASE FLAT TOP TRAILER	10,461.00
16	07-02-22	WILLOUGHBY CONSTRUCTIONS	PROGRESS PAYMENT CARAVAN PARK CHALETS	11,443.03
17	18-02-22	ATOM SUPPLY	EYE WASH PORTABLE UNIT AND WASH SOLUTION	985.19
18	18-02-22	AUSTRALIAN TAXATION OFFICE	BAS ACTIVITY STATEMENT JANUARY 2022	21,929.00
19	18-02-22	BATTERY MART	BATTERY CORE STADIUM	119.90
20	18-02-22	BEAUREPAIRES	TYRES YA453	250.00
21	18-02-22	BOC LIMITED	OXYGEN AND CYLINDER RENTAL	124.42
22	18-02-22	BOEKEMAN TOYOTA	PURCHASE TOYOTA FORTUNER LESS TRADE IN YA800	14,833.81
23	18-02-22	BP MECHANICAL MAINTENANCE	YA493 SERVICE AND REPAIRS	660.00
24	18-02-22	BRIDGED GROUP PTY LTD	IT SUPPORT	346.50
25	18-02-22	CAST- TECH GROUP	SUPPLY AND INSTALLATION OF TOILET BUILDING CEMENTARY	6,523.00
26	18-02-22	CLEANPAK SOLUTIONS	SUPPLIES CARAVAN PARK	96.57
27	18-02-22	COMPLETE OFFICE SUPPLIES	COVID PPE SUPPLIES	1,015.81
28	18-02-22	CORE BUSINESS AUSTALIA	CONSULTANCY FEES - PROJECT MANAGEMENT DRFAWA AGRN 9926	4,488.00
29	18-02-22	DATAKOM SOLUTIONS	PAYROLL SERVICE JANUARY 2022	280.50
30	18-02-22	DEPARTMENT OF MINES,INDUSTRY REGULATIONS AND SAFETY	BUILDING SERVICE LEVY	56.65
31	18-02-22	EXTERIA STREET AND PARK OUTFITTERS	BBQ LIDS CORE STADIUM	1,279.30
SHIRE OF YALGOO				

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LIST OF ACCOUNTS PAID AND PAYABLE				
FOR THE PERIOD 1 FEBRUARY 2022 TO 28 FEBRUARY 2022				
	DATE	SUPPLIER	DESCRIPTION	AMOUNT \$
32	18-02-22	FIVE STAR BUSINESS EQUIPMENT AND COMMUNICATIONS	PHOTOCOPIER MAINTENANCE	667.66
33	18-02-22	GERALDTON TROPHY CENTRE	ENGRAVING COUNCIL HONOUR BOARD PLATES	99.00
34	18-02-22	HERSEY'S SAFETY PTY LTD	DEPOT SUPPLIES	1,826.62
35	18-02-22	HARVEY NORMAN COMPUTER SUPERSTORE	LAPTOP COVER	30.00
36	18-02-22	HOPPYS PARTS R US	TOOLS AND PARTS	168.95
37	18-02-22	ILLION TENDER LINK	ADVERTISING PUBLIC TENDER YALGOO HALL REFURBISHMENT	212.30
38	18-02-22	INCITE SECURITY	DEPOT SECURITY MONITORING	147.00
39	18-02-22	KICK SOLUTIONS	BUSINESS CARDS FOR DCEO	123.00
40	18-02-22	LANDGATE	VALUATIONS MINING TENEMENTS	66.80
41	18-02-22	LGISWA	H & W SKIN SCREENING FOR STAFF	1,270.50
42	18-02-22	LITTLE HOTELIER	CARAVAN PARK ONLINE BOOKING FEE	174.90
43	18-02-22	LOCAL GOVERNMENT WORKS ASSOCIATION OF WA	SUBSCRIPTION WORKS FOREMAN	100.00
44	18-02-22	LUSCOMBE SYNDICATE	SUPPLIES CARAVAN PARK	147.57
45	18-02-22	MIDWEST SAFETY AND TRAINING PTY LTD	STAFF TRAINING FORKLIFT COURSE	705.00
46	18-02-22	MINGENEW SPRING CARAVAN PARK	ACCOMMODATION AND MEALS ELECTED MEMBERS	1,476.00
47	18-02-22	MITCHELL & BROWN RETRAVISION	2 IPADS AND COVERS	2,385.95
48	18-02-22	MT MAGNET MEATS	SAUSAGES COVID CLINIC	130.00
49	18-02-22	PROUDLOVE'S SMASH REPAIRS	YA805 INSURANCE EXCESS	300.00
50	18-02-22	QUBE	REPAYMENT OF FUNDS INCORRECTLY DEPOSITED IN SHIRE'S BANK ACCOUNT	19,935.00
51	18-02-22	SUN CITY PRINT	BUSINESS CARDS FOR CEO	75.00

SHIRE OF YALGOO

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LIST OF ACCOUNTS PAID AND PAYABLE				
FOR THE PERIOD 1 FEBRUARY 2022 TO 28 FEBRUARY 2022				
	DATE	SUPPLIER	DESCRIPTION	AMOUNT \$
52	18-02-22	TMT ELECTRICAL	REPAIRS RAILWAY STATION OVEN DOOR, RAGE CAGE LIGHTS AND ENTRY STATEMENTS REPLACE LIGHTS	1,858.52
53	18-02-22	TOURISM COUNCIL WA LTD	SUBSCRIPTION 2022 MEMBER TOURISM BUSINESS	289.00
54	18-02-22	WESTERN INDEPENDENT FOODS	SUPPLIES CARAVAN PARK	340.52
55	18-02-22	WESTRAC EQUIPMENT PTY LTD	PARTS AND REPAIRS YA853, YA860, YA465, YA807	2,143.54
56	18-02-22	WILLOUGHBY CONSTRUCTIONS	PROGRESS PAYMENT CARAVAN PARK CHALETS	2,711.96
57	18-02-22	WURTH	FACE MASKS WORKSHOP	72.05
58	22-02-22	TOLL TRANSPORT	FREIGHT CHARGES	45.14
		CREDIT CARD		NIL
			TOTAL	495,654.96

13.2 INVESTMENTS AS AT 28th February 2022

Applicant:	Shire of Yalgoo
Date:	14 th March 2022
Reporting Officer:	Dominic Carbone
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council receive the investments report as at 28th February 2022.

COMMENT

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

Local Government (Financial Management) Regulations 1996

19 Investments, control procedures for

19C Investment of money, restrictions on (Act s6.14(2)(a))

Shire Delegated Authority

POLICY/FINANCIAL IMPLCATIONS

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That the Investment Report as at 28th February 2022 be received.

COUNCIL RESOLUTION

Moved: Seconded:

That the Investment Report as at 28th February be received.

CARRIED:

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This Worksheet details the investments held by the Shire as at 28th February 2022.

SHIRE OF YALGOO CASH HOLDINGS AS AT 28 FEBRUARY 2022								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N ^o	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
MUNICIPAL FUND								
Note Balance as per Bank Statement								
NAB	N/A	Operating a/c	50-832-4540	Ongoing	N/A	N/A	Variable	\$8,449.18
BENDIGO	N/A	Operating a/c	171336274	Ongoing	N/A	N/A	Variable	\$3,476,899.46
BENDIGO	N/A	Saving	171336282	Ongoing	N/A	N/A	Variable	\$25,081.38
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$52,135.00
TOTAL								\$3,562,565.02

RESERVE FUNDS								
Bendigo	N/A	Term Deposit	3479107	193 days	10.02.2022	30.06.2022	0.30%	\$169,849.43
Bendigo	N/A	Term Deposit	3483811	193 days	10.02.2022	30.06.2022	0.30%	\$473,182.52
Bendigo	N/A	Term Deposit	3483825	193 days	10.02.2022	30.06.2022	0.30%	\$1,137,950.57
Bendigo	N/A	Term Deposit	3724716	193 days	10.02.2022	30.06.2022	0.30%	\$325,293.86
TOTAL								\$2,106,276.38

INVESTMENT REGISTER						
01 FEBRUARY 2022 TO 28 FEBRUARY 2022						
NATIONAL AUSTRALIA BANK						
ACCOUNT N ^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNT TO 28.02.2022	INVESTMENT TRANSFERS	CLOSING BALANCE 28.02.2022
171336282	Ongoing	Variable	\$52,131.57	\$3.43	0	\$52,135.00
24-831-4222	Ongoing	Variable	\$25,072.96	\$8.42	0	\$25,081.38
3567670	30.06.2022	0.45%	\$472,429.22	\$753.30	0	\$473,182.52
3567677	30.06.2022	0.45%	\$1,136,138.97	\$1,811.60	0	\$1,137,950.57
3567669	30.06.2022	0.35%	\$169,571.83	\$277.60	0	\$169,849.43
3724712	30.06.2022	0.45%	\$324,776.00	\$517.86	0	\$325,293.86

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13.3 FINANCIAL ACTIVITY STATEMENT AS AT 28th February 2022

Applicant:	Shire of Yalgoo
Date:	14 March 2022
Reporting Officer:	Dominic Carbone
Disclosure of Interest:	NIL
Attachments:	Statement of Comprehensive Income Financial Activity Statement Summary of Current Assets and Current Liabilities Statement of Current Financial Position Detailed Worksheet Supplementary Financial Reports – Reserve & Loan

SUMMARY

Adoption of the Monthly Financial Statements for the period 1st July 2021 to the 28th February 2022.

COMMENT

Local Governments are required to prepare monthly reports.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 6.4

Local Government (Financial Management) Regulations 1996 - Regulation 34

POLICY/FINANCIAL IMPLCATIONS

2.4 Material Variance

Provision of timely accounting information informs Council of the financial status and affairs of the local government

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council adopts the Financial Activity Statement for the period ended 28th February 2022.

COUNCIL RESOLUTION

Moved: Seconded:

That Council adopts the Financial Activity Statement for the period ended 28th February 2022.

CARRIED:

14 ADMINISTRATION REPORTS

14.1 OFFICE CLOSURE EASTER

Applicant:	Shire of Yalgoo
Date:	15/03/2022
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council considers a closure of the Shire Office across the Easter long weekend due to Union Agreement Shire Holiday.

COMMENT

Under the Shires current union agreement staff are eligible for 2 Shire of Yalgoo Local Government Holidays.

23.9.1 Full time and part-time Employees shall be entitled to two (2) additional days of non-accumulative paid leave in lieu of the repealed public service holidays which were on Easter Tuesday and the additional day at New Year.

23.9.2 The Local Government Holidays shall be taken during the Christmas shutdown period or adjacent to the Easter long weekend, or at another time mutually agreed between the Employer and the Employee subject to operational requirements.

State Public Holidays exist for Friday the 15th, Sunday the 17th and Monday the 18th April.

One leave day was taken across the Christmas break and the Shire Works crew have requested to take the other day on Tuesday the 19th of April 2022.

It is suggested that the Shire Office be closed to accommodate this leave day for inside staff from close of business Thursday 14th April to Tuesday 19th April inclusive.

Contract staff will have the option to work or take other leave.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council approve the closure of the Yalgoo Administration Office from close of business Thursday 14th April to Tuesday 19th April inclusive to be advertised on the Shire Website, Facebook and Notice Boards.

COUNCIL RESOLUTION

Moved: Seconded:

That Council approve the closure of the Yalgoo Administration Office from close of business Thursday 14th April to Tuesday 19th April inclusive to be advertised on the Shire Website, Facebook and Notice Boards.

CARRIED

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14.2 YAMATJI NATION INDIGENOUS LAND USE AGREEMENT – STAGE 5 LAND CONSULTATION

Applicant:	Department of Planning, Lands and Heritage
Date:	16/03/2022
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Land Map PIN 12565782

SUMMARY

That Council provides comment on the proposed Conferral of a Management Order to Bundi Yamatji Aboriginal Corporation as a Reserve with the Power to Lease PIN 12565782, previously known as PIN 718832.

COMMENT

Under the Yamatji Nation Indigenous Land Use Agreement (ILUA), the Shire has received a request from the Department of Planning, Lands and Heritage to provide comments with respect to the following:

1. Are there any future proposals for the land identified? If so, in what time frame?

Shire of Yalgoo comment: The Shire is not aware of any proposals for the land identified.

2. Are there any future proposals for any adjoining land which may impact on the proposed transfer of the land identified?

Shire of Yalgoo comment: Comment should be sought from the Department of Mines, Industry Regulation and Safety due to the presence of Mining Tenements and Leases in close proximity to this land as well as the Department of Biodiversity, Conservation and Attractions due to their proposed neighbouring conservation parks.

3. Are there any proposed planning scheme amendments which may affect the land identified? If so, in what time frame?

Shire of Yalgoo comment: An amendment is being considered to allow Caravan Parks and other accommodation options in the mining/rural zone of the scheme, this is currently identified as a standard amendment. Further details will be provided when advertised. 3-6 months.

4. Are there any known land management issues with the land identified, e.g. contamination etc?

Shire of Yalgoo comment: The Shire of Yalgoo requests ongoing access to a historical gravel pit, accessed under Section 3.27 of the Local Government Act 1995, for its future potential of gravel supply adjacent to the Yalgoo Ninghan Road. Area to be provided in mapping.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council provides the comments listed in item 14.2 to the Department of Planning, Lands and Heritage along with a request for the Yalgoo-Ningham Road gravel supply.

COUNCIL RESOLUTION

Moved: Seconded:

That Council provides the comments listed in item 14.2 to the Department of Planning, Lands and Heritage along with a request for the Yalgoo-Ningham Road gravel supply.

CARRIED

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15 NOTICE OF MOTIONS

16 URGENT BUSINESS

17 MATTER FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

18 NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers, Gibbons Street Yalgoo on Friday 29 April 2022 commencing at 10.00 am.

19 MEETING CLOSURE

There being no further business the Deputy Shire President declared the Ordinary meeting closed at pm.

PUBLIC QUESTION TIME - FOR INFORMATION PURPOSES ONLY

The Shire of Yalgoo welcomes community participation during public question time of Council Meetings. The following is a summary of s5.24 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996 and Shire Policy, to provide a guide for public question time.

To enable a prompt and detailed response to questions, members of the public are requested to lodge questions in writing to the Chief Executive Officer at least two days prior to a Council meeting. This can be done:

- a. In person at the Shire of Yalgoo Office, 37 Gibbons St, Yalgoo
- b. By emailing the Executive Support Officer pa@yalgoo.wa.gov.au
- c. By phoning the Executive Support Officer (08) 9962 8042

When registering a question members of the public will be required to provide the following for record keeping and response:

- a. Name, Address, Contact Number and Name of Organisation representing (if any)
- b. A written copy of the question to be asked at Public Question Time

It is recommended to arrive at the Council Meeting 15 minutes to commencement if you have not registered a question in advance.

The presiding Member will open Public Question Time where appropriate and, if necessary, provide a brief summary of the rules, regulations and procedures of Public Question Time.

1. The person asking the question is to state their name prior to asking the question.
2. Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.
3. In order to provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal and no debating of the issue between the Gallery, Councillors or Officers is permissible.
4. Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response.
5. Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; will be refused by the Presiding Member as 'out of order' and will not be recorded in the minutes.

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6. Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any reasonable direction from the Presiding Member, will be ruled 'out of order' and the question will not be recorded in the minutes.
7. Answers to questions provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being totally comprehensive.
8. The priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day immediately preceding the meeting) and secondly, 'questions from the floor'.
9. Public Question Time is set for a maximum period of 15 minutes, and will terminate earlier should no questions be forthcoming.
10. There are circumstances where it may be necessary to place limits on the asking of questions to enable all members of the public a fair and equitable opportunity to participate in Public Question Time. In these events the Presiding Member will apply the most appropriate limit for the circumstance. Generally each member of the public shall be provided a maximum two minutes time limit in the first instance, in which to ask a maximum of two questions (whether these are submitted 'in writing' or 'from the floor'). A question may include a request for the tabling of documents where these are relevant to an issue before Council.
11. Should there be time remaining on the initial period for Public Question Time (i.e. 15 minutes) after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (in accordance with the register) ask further questions (with necessary limits in place as discussed above if required) until the initial period for Public Question Time has expired.
12. Any extension to the initial period for Public Question Time is to be limited to a period that will allow sufficient time for any remaining members of the public to ask their initial allotment of two questions.
13. Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next appropriate Council Meeting.
14. Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).

MATTERS FOR WHICH THE MEETING MAY BE CLOSED- FOR INFORMATION PURPOSES ONLY

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed.

The following legislative extracts were downloaded from www.legislation.wa.gov.au on 7 July 2021.

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; and
- (b) the personal affairs of any person; and
- (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; and
- (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; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (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; and

- (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; or
 - (ii) endanger the security of the local government's property; or

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- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
and
 - (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 (Model Code of Conduct) Regulations 2021

s.21 Disclosure of Information

(1) In this clause —

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, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

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non-confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent 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.

ATTENDANCE - FOR INFORMATION PURPOSES ONLY

Local Government Act 1995

S2.25 Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave

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throughout the ordinary meeting of the council immediately following the end of that period.

- (5) The non attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
- (a) if no meeting of the council at which a quorum is present is actually held on that day; or
- (b) if the non attendance occurs —
- (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
- (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
- (iiia) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
- (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the Local Government Amendment Act 2009 section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

Urgent Business

General business will not be admitted to Council. In cases of urgency or other special circumstances, where a matter cannot or should not be deferred until the next meeting, urgent items may, with the consent of a majority of Elected Members present, be heard and dealt with. Any such business shall be in the form of a clear motion, and the President may require such a motion to be written and signed by the Councillor or officer proposing the motion or recommendation.

Deputations

Persons wishing to appear before Council or a Committee as a deputation should apply to the CEO at least one week before the date of the meeting, specifying the purpose of the deputation and the number of persons in the deputation. Deputations may be permitted at the discretion of the Presiding Member or by a resolution of the Council or Committee (as the case may not be). Not more than two members of a deputation may address the Council or Committee, except to answer questions from members of the Council or Committee.

A motion was mover by Cr _____ and seconded by Cr _____ to adjourn the meeting for lunch/a break and to reconvene at _____am/pm