



AGENDA

FOR THE ORDINARY MEETING

OF COUNCIL

TO BE HELD IN

THE COUNCIL CHAMBERS, YALGOO

ON THURSDAY 20 AUGUST 2015

COMMENCING 11.00 AM

SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE YALGOO COUNCIL
CHAMBERS, ON THURSDAY 20 AUGUST 2015,
COMMENCING AT 11.00 AM.

Silvio Brenzi
Acting Chief Executive Officer

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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 20 August 2015, commencing at 11.00 am.

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

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 23 July 2015 be confirmed.

Moved:

Seconded:

Motion put and carried/lost

8.2 SPECIAL COUNCIL MEETINGS

9. MINUTES OF COMMITTEE MEETINGS

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 (eg: matters affecting employee/s or the personal affairs of any person).

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.3 FINANCE

11.4 ADMINISTRATION

11.4.1 Payment Timing to Elected Members

File:	
Author:	Silvio Brenzi ,A/ CEO
Interest Declared:	No interest to disclose
Date:	13/08/2015
Attachments (yellow)	nil

Matter for Consideration

To endorse reimbursement and payment dates to elected members.

Background

As elected members there are multiple meetings scheduled throughout the year which incorporate Ordinary meetings, Electors meetings and other associated committee meetings. There are also the payments required for IT and travel cost reimbursements. Currently there is no agreed schedule to process these payments and can at times be varied in submission dates due to differing meetings and requirements from each member.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	
Corporate Business Plan	Stream line of process
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

Consultation

Silvio Brenzi - A/CEO

Neil Grinham - Shire President

Comment

To streamline the process it will be beneficial to process these payments and allowance claims along with the fortnightly pay schedule of the staff.

It is noted that there may be extenuating circumstances when this may change: i.e around holidays etc when pays are processed outside of the standard dates. This would also impact on those if any, claims for payment by members. Individual payments will not be processed on a selective basis as this is not an effective use of staff time and resources.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Allowances and claim schedule of payments to Elected Members

That Council endorses the payment of any allowances and claims to be paid at the next fortnightly pay period after submission of the claim form.

Moved:

Seconded:

Motion put and carried/lost

11.4.2 Invitations to Roads and Transport and Fraud and Misconduct Seminars

File:	
Author:	Silvio Brenzi, A/ CEO
Interest Declared:	No interest to disclose
Date:	17/08/2015
Attachments (yellow)	Invitations to Roads and Transport and Fraud and Misconduct Seminars P 1 P 2

Matter for Consideration

That Council nominate the A/CEO and designated members to attend the National Local Roads and Transport Congress and or the Fraud and Misconduct Seminars.

Background

The ALGA has invited the President to attend the National Local Roads and Transport Congress in Ballarat this November. The congress identifies and is able to strengthen our Shires needs in road and transport issues. Items to be discussed the R2R program and FAG’s funding arrangements. Recently, council recognized the importance of such programs such as FAG’s and this has ben forwarded to the ALGA as requested to support the Federal case for continued funding.

The Civic Legal Seminar to assist with identifying of Fraud and Misconduct is to be held in Geraldton on the 15th September 2015. This is specifically designed for Local Government and is highly recommended that Councillors attend if possible.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	
Corporate Business Plan	Develop ongoing road projects
Long Term Financial Plan	Continued support for funding
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

Consultation

Troy Pickard – Mayor ALGA
Anthony Quahe – Civic Legal

Comment

Costs for the NLR&TC are estimated to be:

- 1. Accommodation - \$ 1050.00
 - 2. Return Flights - \$ 680.00
 - 3. Travel to Perth and back -\$ 1400.00
 - 4. Congress Registration - \$ 890.00
 - 5. Expenses/Meals @ \$75.00 per day -\$ 450.00
- Total \$4470.00**

Civic Legal Seminar is being held in Geraldton at a cost of \$33.00 per person and no accommodation or travel costs from Yalgoo to Geraldton would be incurred as 2 vehicles are available for members to utilise this day.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Nomination of President, Councillors and A/CEO to attend NLR&TC and or Civic Legal Seminar

- 1. That Council endorses the nomination of Neil Grinham to attend the National Local Road and Transport Congress.

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

OFFICER RECOMMENDATION

Nomination of President, Councillors and A/CEO to attend NLR&TC and or Civic Legal Seminar

- 2. Endorses the attendance of the A/CEO and the following Councillors to attend the Civic Legal Seminar.....

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

11.4.3 Caravan Park Statistics

File:	
Author:	Silvio Brenzi A/CEO
Interest Declared:	No interest to disclose
Date:	17/08/2015
Attachments (yellow)	Annual Caravan Park Statistics P 4

Matter for Consideration

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

Background

Council have requested information on tourists that stay at the Yalgoo Caravan Park and these are to be reported on a quarterly basis. These statistics have only been kept accurately since February 2014 when the caravan park managers were employed. Attached is an annual summary of the Parks use and income for the 14/15 financial year.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

Consultation

Kerry and Albert Grieve

Comment

The statistics for visitors has only been accurately recorded since the appointment of permanent full-time caravan park managers. Prior to this date the statistics were garnered from accommodation receipt books and only recorded back to the start of the 13-14 financial year. The annual report includes data from all previous months.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Caravan Park Statistics

That Council notes the annual statistics on visitor's numbers using the Yalgoo caravan park facilities during the 14/15 year.

Moved:

Seconded:

Motion put and carried/lost

11.4.4 Native Title Claim

File:	
Author:	Silvio Brenzi, A/CEO
Interest Declared:	No interest to disclose
Date:	17/08/2015
Attachments	Yellow (Confidential Letter)
(yellow)	

Matter for Consideration

Native title claim from Wajarri Yamatji within the Shire of Yalgoo Reference 619-05.

Background

The State Solicitors Office has requested confirmation from the Shire of Yalgoo to commence negotiations with the below listed claimants. This has been in process for some time now and no record of communication has been demonstrated between Council, the previous CEO and the State Solicitors Office to date.

The attached confidential letter outlines the items to be considered by the S.S.O.

- 1.Mullewa Wadjari (WAD 6119 of 1998)
- 2.Malgana Shark Bay (WAD 6236 of 1998)
- 3.Widi Mob (WAD 6193 of 1998)
- 4.Yugunga-Nya People (WAD 6132 of 1998)

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

Consultation

: Alex Rorrison . SSO

Comment

Approval from council allows the SSO to enter into the appropriate discussions with the relevant landholders and requires no additional input from Council.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Negotiations into Native Title Claims

That Council approves for the State Solicitors Office to proceed with negotiations for the claim from the Wajarri Yamatji Application.

Moved:

Seconded:

Motion put and carried/lost

11.4.5 Transfer of land Lot 136 &137 Cnr Campbell and Piesse St Yalgoo.

File:	
Author:	Silvio Brenzi, A/ CEO
Interest Declared:	No interest to disclose
Date:	17/08/2015
Attachments (yellow)	Nil

Matter for Consideration

To carry out the required transactions in the transfer of land Lot 136 &137 Cnr Campbell and Piesse St Yalgoo.

Background

The Police Station has been planned for renewal for some time now. A presentation was made to Council some 12 months ago in relation to the new location and the transfer of the current site and building back to the Shire of Yalgoo.

Due to the first choice of site on Gibbons St not being readily available due to Native Title processes yet to be carried out, the timing of the installation of the new modular station by Fleetwood Homes would no longer be suitable.

Lots 136 &137 Campbell St on the corner of Piesse St are currently owned outright by the Shire of Yalgoo. It has been suggested that this sight is suitable and poses no delay in transfer to the Police Department.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Carry out Funded road works/repairs from WANDRA

Consultation

Charles Kellit – Business Consultant Police Dept.

Comment

Discussions held with Charles Kellit indicate that the most suitable process is to draw up an MOU with the Shire and determine the time frames for the transfer of property and how the settlement will take place as the new office will need to be in place prior to the vacating of the current office by 2 to 3 months.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Delegate authority to the A/CEO to carry out Land Transactions

That Council authorize the A/CEO to carry out all the business transactions in the transfer of lots 136 & 137 Campbell St to the Police Department and transfer of the current land, and office building in Selwyn St to the Shire of Yalgoo to be used for future community purposes.

Moved:

Seconded:

Motion put and carried/lost

11.4.6 Awarding of RFT 2015-02 AGRN661 Yalgoo Flood Recovery Minor Work

File:	
Author:	Silvio Brenzi, Acting CEO
Interest Declared:	Nil
Date:	17/08/2015
Attachments (yellow)	Confidential Panel Assessment Report

Matter for Consideration

This report provides an overview of the interview based assessment process undertaken for tenders received for RFT 2015-02 AGRN661 Yalgoo Flood Recovery Minor Works.

Based on the results of interview assessment the report recommends that council award the tender to W+E Rowe Pty Ltd.

Background

At the Ordinary Council meeting of 23rd July 2015 Council considered an officers report and confidential attachment relating to RFT 2015-02 AGRN661 Yalgoo Flood Recovery Minor Works. Council determined:

“That Council:

Directs the Chief Executive Officer to prepare additional questions relating to the understanding of and ability to successfully manage local conditions and interviews the top four tenderers (ATM, Cardinals, MDS and W + E Rowe respectively);

Delegate authority to the CEO to awards tender ‘2015-02 AGRN661 Yalgoo Flood Recovery Minor works to the tenderer that achieves the highest score in the interview process;

Authorises the Chief Executive Officer to finalise and execute a contract to complete the works in the accordance with the specification and submitted schedule of rates as follows....”

Statutory Environment

Section 3.57 of the Local Government Act (LGA) 1995 and the LGA Functions and General Regulations 1996 Part 4, 11 to 24G.

During the interview process all tenderers were asked the same series of questions and their results scored against an assessment matrix by the four members of the panel.

All stages of the process of calling and assessing tenders have been undertaken in accordance with section 3.57 of the Local Government Act (LGA) 1995 and the LGA Functions and General Regulations 1996 Part 4, 11 to 24G. The combination of the compliance, qualitative, price and interview assessment by the tender assessment panel effectively addresses the requirements of the Local Government Act 1995 (Functions and General) Regulation (s.3.57).

In making a final decision the attention of Council is drawn to regulation 18 (4) of the Local Government (Functions and General) Regulations, which states:

“Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.”

The tender is recommended to be awarded to the Tenderer whose tender represents the best value for money proposition. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative criteria.

Strategic Implications

The intent of the tender is to facilitate repair to transport infrastructure affected by flood event AGRN661.

Policy Implications

- Council Policy Purchasing and Tenders – Model Purchasing Policy
- Occupational Health and Safety Policy
- The Shire does not currently have a Regional Price Preference Policy

Financial Implications

Tendered prices are based on a schedule of rates with the final scope and timing of works to be confirmed. Full details of price schedules provided are available in the commercial in confidence tender assessment report provided to Councillors as part of the confidential attachments to the agenda for the Ordinary Council Meeting of the 23rd July 2015.

The indicative total cost for works submitted by the recommended tenderer, W+E Rowe, is \$2,106,250. This calculation is based on submitted schedule of rates prices, with the same indicative scenario utilised for all tenderers.

As the contract is based on a schedule of rates there is no guarantee of the quantity of work to be awarded to the successful tenderer or that any work will be awarded at all.

Eligible costs of restoration works are claimable under the WANDRRA program subject to the Shire meeting program eligibility and compliance requirements for each component of work completed.

Eligible costs are claimed back after proof of expenditure is provided and there can be some time in between the Shire lodging a claim and reimbursement being made. Funds have been allocated in the 2015/06 budget to ensure adequate cash flow is allowed to cover expenditure before WANDRRA funding income is received.

Consultation

- Interviews were conducted on Monday 10th August 2015. All tenderers were provided a list of interview questions between 3.30pm and 4.30pm on the afternoon of Friday the 7th August. This was to allow interviewees time to familiarise themselves with the questions to be asked, prior to the interview occurring; and
- Referees of the tenderer scoring highest during the interview process (W + E Rowe) were contacted with the aim of providing a level of verification of the information provided. A standard assessment form was completed and is included in the confidential panel report. No issues were identified during the referee check that would result in the tenderer being disqualified or for their assessment scores to be altered.

Comment

Independently Convened Interview Process

Interviews were coordinated by a panel independently convened by Core Business Australia (CORE). The panel also included shire representation. CORE has been appointed by the Shire as the project supervisor for WANDRRA flood recovery reinstatement works.

Membership on the panel included:

Project Role	Job Title	Name
Project Engineering Services. Panel Member.	Associate, Core Business Australia	Les Hewer
Panel Chair, Panel	Executive Associate, Core	Mark Weller

Administration.	Business Australia	
Panel Member.	Acting Chief Executive Officer, Shire of Yalgoo	Silvio Brenzi
Panel Member.	Managing Director Core Business Australia	Bruce Lorimer

As part of the process of interview assessment CORE:

- Prepared a list of interview questions;
- Organised a suitable venue for interviews to occur;
- Liaised with tenders to book interviews;
- Issued interview questions to tenders prior to interviews to allow familiarity;
- Conducted interviews and assessed results;
- Undertook reference checks; and
- Prepared a confidential report.

An assessment report relating to the interview process has been provided to Councillors as part of agenda briefing. This report is commercial in confidence. A brief summary of the report is included as part of this agenda item.

Final Interview Results

Following collation of interview results the following summary scores were awarded to the four shortlisted tenderers:

	MDS	W+E Rowe	Cardinals	ATM Civil
Score/35	23.00	29.13	27.88	22.25
Score/100%	65.7%	83.2%	79.6%	63.6%
Rank	3	1	2	4

Officer Comment

While there was no mandatory requirement during the tender process to conduct interviews as part of assessment, council determined that in order to ensure leading practice, additional information should be sought from tenderers to determine their understanding of and ability to successfully manage local conditions.

During the interview process W+E Rowe demonstrated their knowledge and experience relating to each question. W+E Rowe were awarded the highest total score of all tenderers by each panel member, and by the panel as a whole (a unanimous decision).

Based on their performance during interview and the value demonstrated in their submission, it is recommended that the tender is awarded to W+E Rowe Pty Ltd.

The motion adopted by Council on the 23rd July 2015 allowed the CEO to award the tender and execute the final contract. However in the interest of ensuring Council can be involved in the decision to award the tender, to the full extent of their statutory authority, the matter is being brought before Council for final consideration.

Voting Requirements

Simple Majority

Officer Recommendation

That Council awards tender ‘2015-02 AGRN661 Yalgoo Flood Recovery Minor Works’ to Joharda Pty Ltd as Trustee for the WJ & EC Rowe Family Trust Trading as W&E Rowe Contractors, and authorises the

Chief Executive Officer to finalise and execute a contract to complete the works in accordance with the specifications and submitted schedule of rates as follows.

Item	Description	Mob / Demob (ex GST)	Tendered Rate (ex GST)	Standby Rate (ex GST)	Unit
1.0	Large Plant (including all costs such as operator, fuel, services and overheads)				
1.1	Grader (Cat 140G or equivalent)	\$ 340.00	\$ 170.00	\$ 50.00	/hour
1.2.1	Water Truck (~15,000 litre)	\$ 220.00	\$ 110.00	\$ 40.00	/hour
1.2.2	Water Truck (min 24,000 litre)	\$ 280.00	\$ 140.00	\$ 50.00	/hour
1.3.2	Semi Trailer Side Tipper (~15m ³)	\$ 280.00	\$ 140.00	\$ 50.00	/hour
1.3.3	Road Train Side Tipper (~ 30m ³)	\$ 350.00	\$ 175.00	\$ 50.00	/hour
1.4	Vib steel Roller (~7t)	\$ 220.00	\$ 110.00	\$ 40.00	/hour
1.5	Multi rubber tyre (~15t)	\$ 220.00	\$ 110.00	\$ 40.00	/hour
1.6.1	Wheel Loader (Cat 950 or equivalent)	\$ 300.00	\$ 150.00	\$ 50.00	/hour
1.6.2	Skid Steer Loader	\$ 150.00	\$ 75.00	\$ 40.00	/hour
1.7	Single Unit 6 Wheel Tipper (~10m ³)	\$ 220.00	\$ 110.00	\$ 40.00	/hour
1.8	Excavator (7t)	\$ 200.00	\$ 100.00	\$ 40.00	/hour
1.9	Backhoe Loader	\$ 200.00	\$ 100.00	\$ 40.00	/hour
1.10	Dozer (Cat D7 or equivalent)	\$ 500.00	\$ 250.00	\$ 75.00	/hour
2.0	Small Plant (without operator but including all costs such as, fuel, services and overheads)				
2.1	Plate Compactor	\$	\$ 100.00		/Day
2.2	Cement Mixer	\$	\$ 500.00		/Day
3.0	Labour (including all costs such as Superannuation, Penalties, Loadings, Overheads, Mobilisation, Accommodation, Meals)				
3.1	Supervisor with Vehicle	\$	\$ 75.00	NA	/hour
3.2	Labourer	\$	\$ 50.00	NA	/hour
3.3	Traffic Controller with vehicle & Signs	\$ 500.00	\$ 70.00	NA	/hour
3.4	Additional Traffic Controller	\$ 250.00	\$ 40.00	NA	/hour
4.0	Preliminaries				
4.1	Comply with contract	-	\$ 1,000.00	NA	/item
4.2	Traffic Management Plans	-	\$ 1,000.00	NA	/item
4.3	Environment Management Plan	-	\$ 2,000.00	NA	/item
4.4	Service Locations	-	\$ 3,000.00	NA	/item
4.5	Water Pump	-	\$ 5.00	\$	/_____
4.6	Other Costs 2	-	\$	\$	/_____

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

11.4.7 Awarding of RFT 2015-02 AGRN661 Yalgoo Flood Recovery Minor Work

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

5.23. 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.

5.92. 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.

5.93. 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

6. Use of information

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

- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Paynes Find Community Centre on Thursday 17 September 2015, commencing at 11.00 am.

16. MEETING CLOSURE