



AGENDA

FOR THE ORDINARY MEETING

OF COUNCIL

TO BE HELD IN

THE COUNCIL CHAMBERS, YALGOO

ON FRIDAY 22 JANUARY 2016

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, YALGOO ON FRIDAY 22 JANUARY 2016 COMMENCING AT 11.00 AM.

Silvio Brenzi

Chief Executive Officer

CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	2
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	2
3.	DISCLOSURE OF INTERESTS.....	2
4.	PUBLIC QUESTION TIME	3
4.1	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	3
4.2	QUESTIONS WITHOUT NOTICE.....	3
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	3
6.	APPLICATIONS FOR LEAVE OF ABSENCE	3
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	3
7.1	PRESIDENT	3
7.2	COUNCILLORS.....	3
8.	CONFIRMATION OF MINUTES	4
8.1	ORDINARY COUNCIL MEETING	4
9.	MINUTES OF COMMITTEE MEETINGS	4
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters	4
10.0	INFORMATION ITEMS.....	4
11.	MATTERS FOR DECISION.....	4
11.0	MATTERS BROUGHT FORWARD.....	4
11.1	TECHNICAL SERVICES.....	4
11.2	DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH	4
11.3	FINANCE.....	5
11.3.1	Financial Activity Statements and Accounts Paid for the Month of November 2015.	5
11.3.2	2014 – 2015 Annual Budget – Imposition of Rates and Minimum Proposal Requiring Ministerial Approval.	7
11.4	ADMINISTRATION.....	9
	Items 11.4.1, 11.4.2, 11.4.3 are confidential items provided under separate cover.....	9
11.4.4	National Radioactive Waste Management Facility – Badja Station	9
11.4.5	Application for Funding – National Stronger Regions Fund	10
11.4.6	Report on Matters Outstanding as at 20 January 2016	12
11.4.7	Application for Funding – Round Five of the Heavy Vehicle Safety and Productivity Programme.....	15
11.4.8	Yalgoo and Districts Jockey Club Inc.....	17
11.4.9	Minutes of the Electors’ Meeting 21 January 2016	19
12.	NOTICE OF MOTIONS.....	20
12.1	PREVIOUS NOTICE RECEIVED.....	20
13.	URGENT BUSINESS.....	20
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	20
14.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	20
	Local Government Act 1995	20
15.	NEXT MEETING	22
16.	MEETING CLOSURE	22



Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Friday 22 January 2016, commencing at 11.00am.

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

7.1 PRESIDENT

Date	Details	Attended with whom

7.2 COUNCILLORS

Date	Details	Councillors

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 Thursday 17 December 2015 be confirmed.

Moved:	Seconded:	Motion put and carried/lost
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9. MINUTES OF COMMITTEE MEETINGS

Nil

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

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

No report this month

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

No report this month

11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the Month of November 2015.

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (White)	P Financial Statements for the Month of November 2015 Please note not yet received – copy to be supplied at the meeting.

Matter for Consideration

Adoption of the monthly financial statements.

Background

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed and require the Chief Executive Officer to prepare a list of accounts paid.

Statutory Environment

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

Strategic Implications

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

Financial Implications

Payments from Council’s Municipal Account as disclosed in the budget or subsequently approved.

Consultation

- Shire Accountants – Moore Stephens
- Dominic Carbone – Dominic Carbone and Associates

Comment

The Shire utilises the services of accountants UHY Haines Norton to prepare the monthly financial statements in the statutory format and provide general accountancy support and advice.

A copy of the Statement of Financial Performance is included in the financial attachments with the investment register and schedule of payments.

The areas where material variances have been experienced (10% or \$10,000 above or below budget) are commented on in the material variance attachment.

Voting Requirements

Simple Majority

Officer Recommendation

R34 (1) Financial Activity Statements for the Month of November 2015

That Council adopts the financial activity statements for the periods ending 30 November 2015, as attached.

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

Officer Recommendation

R13 (1) List of Accounts Paid for the Month of November 2015.

That Council receives the Schedules of Payments for accounts paid in the month of November 2015.

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

11.3.2 2014 – 2015 Annual Budget – Imposition of Rates and Minimum Proposal Requiring Ministerial Approval.

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (yellow)	P1 Letter – Department of Local Government and Communities

Matter for Consideration

That Council approve an application to the State Administrative Tribunal (SAT) to make an order quashing the UV based differential rates in accordance with Section 6.82 of the Local Government Act 1995.

Background

Council adopted the 2014 – 2015 Annual Budget without first obtaining Ministerial approval for the following:

1. To impose a minimum payment of rates of \$600 on vacant land in accordance with Section 6.35(5) of the Local Government Act 1995; and
2. To adopt rates in the dollar that exceeds the 2:1 rates required under Section 6.33(3) of the Local Government Act 1995.

Statutory Environment

Local Government Act 1995

s.6.33 Differential general rates

- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

s.6.82. General review of imposition of rate or service charge

- (1) Where there is a question of general interest as to whether a rate or service charge was imposed in accordance with this Act, the local government or any person may refer the question to the State Administrative Tribunal to have it resolved
- (2) Subsection (1) does not enable a person to have a question relating to that person’s own individual case resolved under this section if it could be, or could have been, resolved under section 6.76.
- (3) The State Administrative Tribunal dealing with a matter referred to it under this section may make an order quashing a rate or service charge which in its opinion has been improperly made or imposed.

s.6.3. Budget for other circumstances

A local government is required to prepare and adopt* a budget in a form and manner similar to the annual budget with such modifications as are necessary to meet the case —

- (a) where required to do so in consequence of the quashing of —
 - (i) a general valuation; or
 - (ii) a rate or service charge,
 by a court or by the State Administrative Tribunal

Business Implications

Nil

Consultation

Nil

Comment

Letter dated 16 December 2015 from the Department of Local Government and Communities stating that the Council imposed rates and minimum payments that did not have required Ministerial approval.

The rates imposed in question are:

1. UV-based rates of 18.99 cents and 35.75 cents for exploration/prospecting and mining respectively which are more twice the lowest rate of 6.28 cents imposed on pastoral properties.
2. GRV minimum payment of \$600.00 for town sites vacant land. The 50% limit was exceeded for differential general rates imposed on the basis that the land is vacant.

The Department is seeking confirmation from Council that it will lodge an application with the State Administrative Tribunal in accordance with Section 6.82 of the Local Government Act 1995 to have the rates quashed.

The administrative omission will not cause any additional rates to be levied and the process involved to rectify the error is as follows:

- Council to seek the State Administration Tribunal (SAT) to quash the rates;
- Once orders are received from SAT, the Shire to apply for ministerial approval to impose the two differential rates;
- Upon ministerial approval being received, Council is required to prepare and adopt a budget in a form and manner similar to the Annual Budget and reimpose new rates that comply with the Local Government Act 1995.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

2014 – 2015 Annual Budget – Imposition of Rates and Minimum Proposal Requiring Ministerial Approval

That Council:

1. **Make application to the State Administrative Tribunal in accordance with Section 6.82 of the Local Government Act 1995 to have the following rates quashed:**
 - **GRV – Town Vacant Land Minimum \$600:00**
 - **UV – Mining/Mining Tenement 35:75 cents**
 - **UV – Exploration and Prospecting 18:99 cents**
2. **The Department of Local Government and Communities be advised of (1) above**

Moved:

Seconded:

Motion put and carried/lost

11.4 ADMINISTRATION

Items 11.4.1, 11.4.2, 11.4.3 are confidential items provided under separate cover.

11.4.4 National Radioactive Waste Management Facility – Badja Station

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (yellow)	Nil

Matter for Consideration

To receive information that Badja Station will not be considered for the next phase of the assessment.

Background

The Shire of Yalgoo provided a letter of support for the siting of the National Radioactive Waste Management Facility at Badja Station, Yalgoo.

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

Nil

Consultation

Nil

Comment

Letter dated 16 November 2015 received from the Hon. Josh Frydenberg, Minister for Resources, Energy and Northern Australia informing that the nomination of Badja Station as a site for the National Radioactive Waste Management Facility is not being considered for the next phase of the assessment.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

National Radioactive Waste Management Facility – Badja Station

That Council notes that the nomination of Badja Station as a site for the National Radioactive Waste Management Facility will not be considered for the next phase of the assessment.

Moved:

Seconded:

Motion put and carried/lost

11.4.5 Application for Funding – National Stronger Regions Fund

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments	P3 Guidelines - National Stronger Regions Fund (yellow)

Matter for Consideration

Council to give consideration to capital projects for which an application for funding can be made.

Background

The Australian Government is investing \$1 billion over five years to support investment in priority economic and infrastructure areas to strengthen economies in Australia’s regions by improving productivity, employment and workforce skills of Australians.

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	To achieve objectives of this plan
Corporate Business Plan	To achieve objectives of this plan
Long Term Financial Plan	Incorporate proposal in the plan
Asset Management Plan	Upgrade and extensions to Shire of Yalgoo Community Hall
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	The Shire to provide 50% of the funding

Consultation

Nil

Comment

The timetable for round three applications for National Stronger Regions Funding is as follows:

- Round Three Applications Open 15 January 2016;
- Round Three Applications Close 15 March 2016;
- Round Three Assessment Completed 30 June 2016; and
- Announcement of Round Three Projects July 2016.

Eligibility Requirements:

- The Shire of Yalgoo is an eligible applicant for funding;
- Funding limits are \$20,000 up to a maximum of \$10 million;
- Funding is on a dollar for dollar basis
- Project to be completed by 31 December 2019; and
- Project to deliver an economic benefit to the region.

Capital projects eligible for funding are:

- Construction and new infrastructure; and
- Upgrade or an extension of existing infrastructure.

Assessment Criteria:

- The extent to which the project contributes to economic growth in the region;
- The extent to which the project addresses disadvantage in the region;
- The extent to which the project increases investment and builds partnerships in the region; and
- The extent to which the project and proponent are viable and sustainable.

Council may give consideration to apply for funding for the upgrade and extensions to the Shire of Yalgoo Community Hall.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Application for Funding – National Stronger Regions Fund

That the Chief Executive Officer prepares funding applications for the following projects:

- a. **Upgrade and extensions to the Shire of Yalgoo Community Hall; and/or**
- b.

Moved:

Seconded:

Motion put and carried/lost

11.4.6 Report on Matters Outstanding as at 20 January 2016

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (yellow)	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

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

Nil

Consultation

Nil

Comment

Matters outstanding are detailed below with comments in relation to current status.
The commencement date of this report is 17 December 2015.

Matters Outstanding			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
17th December 2015	Petition	That the petition be received and be the subject of a report to be considered at its January 2016 Ordinary Council meeting	Report prepared and is the subject of consideration in this agenda .
17th December 2015	Minutes of the Electors' and Rate Payers Meeting 4 December 2015	Provide a copy of Report No 11.4.2 - Minutes of the Electors' and Rate Payers Meeting to Ms Gail Pilmoor for distribution to residents of Paynes Find	Electronic copy provided, hard copy not sent as Post Office was closed.
17th December 2015	Extraordinary Election	Advises the Electoral Commission via the Chief Executive Officer of a need to prepare a residents roll for the Extraordinary Election	Letter sent 18 December 2015. Response received 12 January 2016 and Electoral Rolls downloaded from web site.
17th December 2015	Purchase of TV for the Gold Battery at Paynes Find	C2015-1217 Purchase of TV for the Gold Battery at Paynes Find That Council: 1. Authorise the purchase of a TV to the value of \$700 to be housed at the Paynes Find Gold Battery in accordance with Section 6.8 of the Local Government Act 1995; 2. Subject to (1) above the owners of the Paynes Find Gold Battery acknowledge that the TV remains the property of the Shire of Yalgoo and maintenance and upkeep to be their responsibility; and 3. The 2015-2016 Annual Budget to be amended accordingly when the Shire conducts its Annual Budget Review in January 2016.	Letter to be sent to the owners of the Paynes Find Gold Battery seeking confirmation that they be responsible for the maintenance and upkeep and acknowledge that the TV remains the property of the Shire of Yalgoo before TV is purchased.
17th December 2015	Urgent Business - Shire Chambers	That the Council review the utilisation of the Shire Chambers and present a report to the next Ordinary meeting.	Report to be prepared for the February 2016 Ordinary Council Meeting.
17th December 2015	Urgent Business - Shire Chambers Locked Cabinet	That the CEO investigates the provision of a locked cabinet for members to be incorporated in the Annual Budget Review for 2015 - 2016 financial year.	Costings to be obtained and incorporated in the 2015 - 2016 Annual Budget Review.
17th December 2015	Urgent Business - Shire Website	That a report be presented to Council at the next Ordinary Council meeting in relation to bringing its website up to date.	Report to be prepared for the February 2016 Ordinary Council Meeting.
17th December 2015	Urgent Business - Tourism Video	That the Tourism video of the Shire of Yalgoo to be uploaded on to the website and a copy be sent to Paynes Find.	This to be done in conjunction with the update of the website.

17th December 2015	Urgent Business - Shire Equipment Hire	That a report be presented to Council at the next Ordinary Council meeting providing a list of depot equipment hired and detailing the following information: the date of hire, the names of customers, the amounts paid and the amounts outstanding.	Report to be prepared for the February 2016 Ordinary Council Meeting.
17th December 2015	Urgent Business - Councillor Calendar	That the CEO organise a Councillor Calendar to be provided to members on a regular basis.	CEO to arrange a demonstration of the electronic calendar.
17th December 2015	Urgent Business - Disorderly Conduct in Yalgoo	That the CEO organise a meeting with the Yalgoo Police to discuss the disorderly conduct in Yalgoo and Councillors be invited to attend.	Meeting to be arranged in February 2016.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Matters Outstanding as at 20 January 2016

That Council receives Report # 11.4.6 Report on Matters Outstanding as at 19 January 2016.

Moved:

Seconded:

11.4.7 Application for Funding – Round Five of the Heavy Vehicle Safety and Productivity Programme

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments	P29 Programme Criteria and Proposal Form (yellow)

Matter for Consideration

Council to give consideration to capital projects for which an application for funding can be made.

Background

The Heavy Vehicle Safety and Productivity Programme (HVSPP) aims to contribute to the productivity and safety outcomes of heavy vehicles operations across Australia.

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	Achieve the objectives of the plan
Corporate Business Plan	Achieve the objectives of the plan
Long Term Financial Plan	Incorporate proposal in the plan
Asset Management Plan	Development of new infrastructure
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	The Shire to provide 50% of the funding

Consultation

Nil

Comment

The Shire of Yalgoo is eligible to apply for funding and applications close on 10 February 2016. Types of project activities included in the funding are the upgrade and new rest areas. Funding for any capital project is on a dollar for dollar basis. The project must commence by June 2017 and be completed by 30 June 2019.

The assessment criteria for the funding are as follows:

- Improved Productivity and Safety;
- Qualified Benefits; and
- Construction Readiness.

Council may give consideration to apply for funding for the construction of new rest areas in Paynes Find. As applications close on 10 February 2016 consideration should be given to available resources to meet the deadline.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Application for Funding – Round Five of the Heavy Vehicle Safety and Productivity Programme

That Council engage the services of a suitable external consultant to prepare the application for funding for the new rest areas at Paynes Find for Round Five of the Heavy Vehicle Safety and Productivity Programme.

Moved:

Seconded:

Motion put and carried/lost

11.4.8 Yalgoo and Districts Jockey Club Inc

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 January 2016
Attachments (yellow)	Nil

Matter for Consideration

Assistance is requested by the Yalgoo and Districts Jockey Club Inc to conduct an Annual Race Meeting/Community Event.

Background

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

A letter was received from Mr Gary Douglas, President of the Yalgoo and Districts Jockey Club Inc, under the letterhead Duende Outback Contracting of which Mr Douglas is the Director.

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

- 1/ Building Approval to place and install a Transportable type building in front/side of the existing Ablution Block area on the west end, to be utilized for Jockey Change Rooms and Rest Area to meet RAWWA OH&S minimum standard.
Our club will acquire this building at the club’s own expense and further;
 - a/ Brick paving this area between the existing Ablution block and the proposed Change Room/Rest area at our club’s expense and with shire approval.
 - b/ Existing Hand Railing be necessary to be re-arranged in the immediate area to keep the public from this specific area during race meets. It is an RAWWA requirement to keep the public away from Jockeys during race meets. This work again, at the club’s expense with shire approval.
- 2/ Track repairs are mandatory and therefore our club require assistance with track repairs such as carting sufficient materials onto the track and a grader, preferably with a competent operator to spread, grade and final trim/preparation of the surface to an acceptable standard to RAWWA OH&S standard.
- 3/ The Race Judge Box requires Metal stairway access and replacement wood flooring to make safe the building floor as necessary, including a safe access ladder constructed to meet Australian Standards for Access Ladders, into the overhead Camera Facility of the Box.
- 4/ Railing in the Stables, require additional rails installed above the existing rails separating each stall, and general rework of minor requirements for horses in the Stable areas and Grounds areas, require Shire approval to complete this work by the club.

Statutory Environment

Nil

Business Implications

Strategic Community Plan	To achieve the objectives of the plan
Corporate Business Plan	To achieve the objectives of the plan
Long Term Financial Plan	Incorporate proposal in plan
Asset Management Plan	Upgrade racetrack and facilities
Workforce Plan	Nil

Business Implications

Policy	Nil
Financial (short term/annual budget)	The Shire to provide additional funds

Consultation

Nil

Comment

That Council give consideration to supplying the following support to the Yalgoo and Districts Jockey Club Inc, subject to the annual race meeting going ahead.

1. Upon application, provide the necessary building approvals for the installation of a transportable building to be utilised for jockey change rooms and rest area;
2. Permit the Jockey Club to undertake the following works:
 - Brick paving the area between the existing Ablution block and the proposed change room/rest area,
 - Re arrangement of hand railing.
3. The Shire to provide all services necessary to ensure the track complies with the RAWWA OH&S standard;
4. Race Judge Box stairway access and replacement flooring and safe access ladder to be constructed into the overhead camera facility. The Club be requested to provide costings in order that Council can determine the funding required and sources; and
5. Shire to provide approval for railing to stables to be completed by the Club.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Yalgoo and Districts Jockey Club Inc

That Council inform Mr Gary Douglas (President of the Yalgoo and Districts Jockey Club Inc) that the following assistance be provided to the Yalgoo and Districts Jockey Club Inc subject to the race meeting going ahead:

1. Upon application, provide the necessary building approvals for the installation of a transportable building to be utilised for jockey change rooms and rest area;
2. Permit the Jockey Club to undertake the following works:
 - Brick paving the area between the existing ablution block and the proposed change room/rest area,
 - Re-arrangement of hand-railing.
3. The Shire to provide all services necessary to ensure the track complies with the RAWWA OH&S standard;
4. Race Judge Box stairway access and replacement flooring and safe access ladder to be constructed into the overhead camera facility. The Club be requested to provide costings in order that Council can determine the funding required and sources; and
5. Shire to provide approval for railing to stables to be completed by the Club.

Moved:

Seconded:

Motion put and carried/lost

LATE ITEM

11.4.9 Minutes of the Electors’ Meeting 21 January 2016

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21 January 2016
Attachments	P44 Minutes of the Electors’ Meeting held on 21 January 2016 in Yalgoo (yellow)

Matter for Consideration

To receive the minutes of the Electors’ Meeting and to give consideration to all decisions made at the Electors’ Meeting.

Background

Council at its Ordinary Meeting held on 17 December 2015 resolved in part that the Annual Electors’ Meeting be held at Yalgoo at 11:00am on Thursday 21 January 2016.

Statutory Environment

Local Government Act 1995

- 5.33. Decisions made at electors’ meetings
 - (1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose, whichever happens first.
 - (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Business Implications

Nil

Consultation

Nil

Comment

No decisions were made at the meeting.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Minutes of the Electors’ Meeting 21 January 2016

That Council receive the minutes of the Electors’ Meeting held at Yalgoo o 21 January 2016.

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.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on 19 February 2016 commencing at 11.00 am.

16. MEETING CLOSURE

DECLARATION

These minutes were confirmed by Council at the Ordinary Meeting held on _____

Signed: _____
Person presiding at the meeting at which these minutes were confirmed