



UNCONFIRMED MINUTES  
OF THE ORDINARY MEETING OF COUNCIL  
HELD IN THE  
COUNCIL CHAMBERS, YALGOO  
ON FRIDAY, 26 APRIL 2019  
COMMENCING AT 10.00 AM





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Minutes for the Ordinary Meeting of the Yalgoo Shire Council,  
held in the Council Chambers, Yalgoo  
On Friday, 26 April 2019 commencing at 10.00 am.

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

### **1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

President Cr Joanne Kanny opened the Ordinary Council Meeting at 10.02 am

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

MEMBERS	Cr Joanne Kanny, Shire President Cr Gregory Payne, Deputy President Cr Gail Trenfield Cr Tamisha Hodder
STAFF	Silvio Brenzi, Chief Executive Officer Elisha Hodder, Executive Assistant
GUESTS	Nil
OBSERVERS	Nil
LEAVE OF ABSENCE	Nil
APOLOGIES	Cr Robert Grinham

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

Disclosures of interest made before the Meeting.

Nil

## 4. PUBLIC QUESTION TIME

### 4.0 QUESTIONS TAKEN ON NOTICE

#### 4.1 Graham Bassell's question directed to CEO Silvio Brenzi

**Q. I refer to item 4.1.4 of the Yalgoo Council Meeting Minutes dated 22/3/2019**

**A request for an explanation as to the reason it has taken 22 months to act on a Shire Council direction dated 31/3/2017 that you undertake a Shire Policy review within 3 months, the 22/3/2019 minutes showing the following....**

*“Chief Executive Officer Silvio Brenzi provided the following response*

*The task required the engagement of suitable consultants, consultants have been engaged and the review is now progress’*

**I note that on the 28/06/2018 Worksafe issued you with Improvement Notice 90011509 (it being the second notice on the same direction) directing you to complete a risk assessment of psychosocial hazards that employees may be exposed to during the course of their work.**

**I note that the required risk assessment process was undertaken and completed by August 2018. (Item 11.4.6 of the minutes dated 31/8/2018).**

**I note that those same consultants have been engaged to review the Shire Policies.**

**Given that *suitable consultants* were found, engaged and outcomes were delivered in relation to the Worksafe Improvement Notice 90011509 (Risk Assessment of Employees) within 2 months.**

**Why did it take 22 Months (from 31/3/2017) to “*engage suitable consultants*” to conduct the Shire Policy review?**

**A. President Cr Joanne Kanny advised an answer had already been supplied.**

#### 4.1 Graham Bassell's question directed to President Cr Joanne Kanny

**Q. I refer to item 4.1.5 of the Yalgoo Council Meeting Minutes dated 22/3/2019**

**A request for an explanation for the reason you (as Shire President) allowed the Council direction to linger without constructive action for 22 months, the minutes show the following;**

*“President Cr Joanne Kanny provided the following response.*

*The task required the engagement of suitable consultants, this is now complete and the review is now progressing”*

**Coincidentally this is a similar response to that of CEO Brenzi to the same request ‘ why did it take 22 Months to find suitable consultants?’**

However, given that “suitable consultants” could have been found in a shorter time (as “suitable consultants” were found to, and completed the Worksafe directed Risk Assessment Process within 2 month).

Why did you (and Council) allow the Shire Policy Review directed on 31/3/17 to be undertaken by CEO Brenzi within 3 months linger for 22 months before there was constructive action on the Council direction?

A. President Cr Joanne Kanny advised an answer had already been supplied.

#### 4.1 QUESTIONS TAKEN WITHOUT NOTICE

Nil

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

Item 14.1 – Report on Chief Executive Officer Performance Review – Engagement of -- Consultant meeting to be closed to public

#### 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

#### 7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

##### 7.0 MEETINGS ATTENDED BY ELECTED MEMBERS

Date	Details	Attended with whom
29 March 2019	Attended the Official Opening of Core Stadium	President Cr Joanne Kanny Deputy Cr Gregory Payne Cr Tamisha Hodder
30 March 2019	Attended the Communities Official Opening Day of Core Stadium	President Cr Joanne Kanny Deputy Cr Gregory Payne Cr Gail Trenfield Cr Tamisha Hodder
8 April 2019	Phone Conference regarding Audit entering Meeting	President Cr Joanne Kanny Silvio Brenzi CEO
10 April 2019	Attended a Community baiting day	Deputy Cr Gregory Payne Silvio Brenzi CEO
25 April 2019	Attended the Anzac Memorial	President Cr Joanne Kanny Deputy Cr Gregory Payne Cr Gail Trenfield Cr Tamisha Hodder

## **8. CONFIRMATION OF MINUTES**

### **8.0 ORDINARY COUNCIL MEETING**

#### **Background**

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

#### **Voting Requirements**

Simple majority

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

**C2019-0401**    Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 22 March 2019 be confirmed as a true and correct record of proceedings.

Moved: Cr Gregory Payne

Seconded: Cr Gail Trenfield

Motion put and carried: 4/0

### **8.1 SPECIAL MEETING OF COUNCIL**

#### **Background**

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

#### **Voting Requirements**

Simple majority

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

**C2019-0402**    Minutes of the Special Meeting of Council

That the Minutes of the Special Meeting of Council held on 25 March 2019 be confirmed as a true and correct record of proceedings.

Moved: Cr Gregory Payne

Seconded: Gail Trenfield

Motion put and carried: 4/0

## **9. REPORTS 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).

Nil

## **11. MATTERS FOR DECISION**

### **11.0 MATTERS BROUGHT FORWARD**

Nil

## **11.1 TECHNICAL SERVICES**

### **11.1.1 Progress Report on the Capital Works Program 2018-19**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	16 April 2019
	Nil

#### **Matter for Consideration**

To receive the Progress Report on the 2018-2019 Capital Works Program.

#### **Background**

The Shire in adopting its 2018-2019 Annual Budget has allocated funds amounting to \$2,223,003 for the purpose of acquiring capital assets and undertaking infrastructure works.

#### **Statutory Environment**

Nil

#### **Strategic Implications**

Timely delivering of the various capital projects which will deliver the objectives of the Community Strategic Plan.

#### **Policy Implications**

Nil

#### **Financial Implications**

To deliver the Capital Works Program within the budgeted allocations.

#### **Consultation**

Nil

#### **Comment**

The Capital Works Projects for the 2018-2019 financial year are detailed be:

**CAPITAL WORKS PROGRAMME 2018-19**

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

		<b>2018-19 ANNUAL BUDGET</b>	<b>2018/19 MARCH ACTUAL</b>	<b>VARIANCE FAV (UNFAV)</b>	<b>COMMENTS</b>
		<b>\$</b>	<b>YTD \$</b>	<b>\$</b>	
<b><u>By Program</u></b>					
<b>Governance</b>					
000000-Admin Mobile Phones,laptop,Computers,Office Equip.	F & E	2,492	0	2,492	
000000- Motor Vehicle CEO	P & E	86,970	92,456	(5,486)	completed minor over expenditure
000000- Motor Vehicle CGTS	P & E	64,794	59,132	5,662	completed minor savings
<b>Law Order Public Safety</b>					
000000-CCTV Yalgoo Townsite	F & E	9,000	0	9,000	
000000-CCTV Yalgoo Townsite - Connect to Yalgoo Police Station	F & E	4,000	0	4,000	
<b>Housing</b>					
000000-Staff Housing - Security	L & B	65,000	4,758	60,242	in progress
000000-Two Units 17 Shemrock Street	L & B	86,350	0	86,350	
<b>Recreation and Culture</b>					
000000 - Arts and Crafts Building	L & B	25,000	0	25,000	
000000-Power Supply Mens Shed and Rifle Club	L & B	15,000	0	15,000	
000000-Bollard Fence - Community Park	Recreation	8,000	968	7,032	in progress
000000- Community/School Oval Development	F & E	35,250	0	35,250	
000000- Community/School Oval Shared Use Development	Recreation	718,000	772,913	(54,913)	in progress

The CEO to provide a verbal update on the status of the capital projects as at 31 MARCH 2019

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

		2018-19 ANNUAL BUDGET	2018/19 MARCH ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<b>By Program</b>					The CEO to provide a verbal update on the status of the capital projects as at 31 MARCH 2019
<b>Transport</b>					
000000- Machinery Shed Depot	L & B	7,393	6,230	1,163	completed minor saving
000000-Flood Control -Fuel Station	L & B	11,410	11,009	401	completed minor saving
000000- Depot -Electric Boundary Fence and Gate	L & B	6,700	6,700	0	completed
000000- Water Cart Modifications	P & E	10,000	0	10,000	
000000- Motor Vehicle Foreman	P & E	68,722	76,723	(8,001)	completed minor over expenditure
000000- Motor Vehicle Works Hilux	P & E	49,000	0	49,000	
000000- Generator 4.5kva	P & E	4,290	0	4,290	
000000- Generator 6.0kva with Fuel Tank	P & E	9,500	9,500	0	completed
000000- Transfer Pump	P & E	6,200	6,200	0	completed
000000- Paynes Find Airstrip Fence	Other	45,000	0	45,000	
000000-Paynes Find Beautification	Other	18,656	0	18,656	
<b>ROADS TO RECOVERY GRANTS</b>					
000000- Yalgoo/Morawa Road - Widen to 7m	Roads	544,968	500,000	44,968	in progress
<b>RRG SPECIAL GRANT RD WORKS</b>					
000000- Yalgoo/Ninghan Road - Seal to width 4m	Roads	300,000	314,500	(14,500)	in progress
<b>MUNICIPAL FUND</b>					
000000- North Road - Crossing	Roads	10,000	3,000	7,000	in progress

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

	2018-19 ANNUAL BUDGET	2018/19 MARCH ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
	\$	YTD \$	\$	
<b>By Program</b>				The CEO to provide a verbal update on the status of the capital projects as at 31 MARCH 2019
<b>Economic Services</b>				
000000-Caravan Park - Washing Machine and Dryer F & E	3,200	6,240	(3,040)	completed over expenditure
000000- Shelter and Seating Jokker Tunnel L & B	4,054	0	4,054	quotations received and deposit paid
000000- Shelter and Visitors Board at Railway Station L & B	4,054	0	4,054	quotations received and deposit paid
	<b>2,223,003</b>	<b>1,870,329</b>	<b>352,674</b>	

## **Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further detail and advised the only outstanding works so far is the locks for the Community Town Hall; Contractors are waiting on parts and should be out in May to install and setup key system.

## **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0403     Progress Report on the Capital Works Program 2018 - 2019**

**That Council receive the Progress Report on the Capital Works Program 2018 – 2019 as at 31 March 2019.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Tamisha Hodder**

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

### 11.1.2 Technical Services Monthly Report 31 March 2019

Author:	Ray Pratt, Works Foreman
Interest Declared:	No interest to disclose
Date:	24 April 2019
Attachments	Nil

#### Matter for Consideration

That Council receives the Technical Services Monthly Report as at 28 February 2018.

#### Background

Nil

#### Statutory Environment

Nil

#### Statutory Implications

Nil

#### Consultation

Nil

#### Comment

##### **1 ROAD CONSTRUCTION – CAPITAL**

###### **1.1 RRG Project Yalgoo – Ninghan Road**

- Job Completed

###### **1.2 R2R Project Yalgoo – Morawa Road**

- Job Completed
- 

##### **2 ROAD MAINTENANCE - OPERATIONS**

###### **2.1 Works During March**

- Inspected Yalgoo Morawa Road, cleared drains .
- On the 5- 7 March Tardie- Gabyon road had been graded.
- Repairs was done to grids, culverts and signs.
- Drains were cleared around the golf course
- On the 20-21 March the Rifle Range Road and Badja Woolshed road had been graded.

##### **3 OTHER INFRASTRUCTURE MAINTENANCE**

###### **3.1 Plant and Equipment**

- John Deer Grader repairs completed

### **3.2 Buildings**

- Locks have been replaced at the Caravan Park Units all had been worn-out.
- Midwest Turf Supply repaired the reticulation at 48 Gibbons Street.
- Capital Works – New locks at community Hall to be installed next month.

### **3.3 Town Street**

- nil

## **4 PARKS AND RESERVES**

### **4.1 Art & Culture Centre**

- Nil

### **4.2 Community Town Oval**

- Put fresh mulch around trees at the oval.
- Cleaned up around oval

### **4.3 Community Park, Gibbons Street**

- Bollard post was installed on the 19 March.

### **4.4 Community Park, Shamrock Street**

- Nil

### **4.5 Water Park**

- Nil, all is in good order

### **4.6 Yalgoo Caravan Park**

- Nil

### **4.7 Yalgoo & Paynes Find Rubbish Tip**

- Cleaned up around the Yalgoo rubbish tip
- Inspected the Paynes Find Rubbish Tip, also empties rubbish bins on the Yalgoo Ninghan Road / Great Northern Highway.

### **4.8 Railway Station**

- Race track had been graded ready for the Yalgoo Races.

- Greg Ellis conducted minor repairs to Railway Station building and amenities ready for the Yalgoo Races.

#### **4.9 Yalgoo Nursing Post**

- Retic was repaired at the Yalgoo Nursing Post

### **5 INFRASTRUCTURE - CAPITAL**

#### **5.1 Rifle Range**

- Cleaned up around the rifle range and golf course.
- Target had been erected at the rifle range.
- Inspection carried out on the 24 April 2019 by WARA rep.

### **6 PRIVATE WORKS**

#### **6.1 Nil**

### **7 PURCHASING**

- Nil

### **8 STAFF**

#### **8.1 Training & Licences Completed**

- Rick Ryan from DFES conducted a demo with Shire staff on how to use fire extinguishers.
- Bush fire brigade training for staff to be held in May.

#### **Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further detail.

President Cr Joanne Kanny raised concerns to the amount of graffiti at the Rage Cage, Water Park and the gazebo at the community park on Gibbons street and asked if it can be cleaned up, also that the button at the waterpark is not working as the children have been kicking the shed for the water to start working.

CEO Silvio Brenzi advised he will investigate.

Cr Gregory Payne enquired about the bushfire training for staff and asked if the training is open to the wider community.

CEO Silvio Brenzi advised the training is for all bushfire members and that it will be held during the work week not the weekend.

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

**C2019-0404 Technical Services Monthly Report 31 March 2019**

**That Council:**

**Receive the Technical Services report as at 31 March 2019.**

**Moved: Cr Gail Trenfield**

**Seconded: Cr Gregory Payne**

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

## 11.2 DEVELOPMENT PLANNING AND ENVIRONMENTAL HEALTH

Nil

## 11.3 FINANCE

### 11.3.1 Accounts for Payment March 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	16 April 2019
Attachments	Nil

#### Matter for Consideration

Council approve the Accounts for Payment list for the period 1 March 2019 to 31 March 2019 as detailed in the report below.

#### Background

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer to present a list of accounts paid and/or payable to Council and such to be recorded in the minutes of the meeting.

#### Statutory Environment

*Local Government Act 1995*

##### 6.10 Financial Management regulations

Regulations may provide for –

- a. The security and banking of money received by a local government’ and
- b. The keeping of financial records by a local government; and
- c. The management by a local government of its assets, liabilities and revenue; and
- d. The general management of, and the authorisation of payments out of –
  - I. The municipal fund; and
  - II. The trust fund, of a local government.

#### Local Government (Financial Management) Regulations 1996

13. Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc.
  1. If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –
    - I. The payee’s name; and
    - II. The amount of the payment; and
    - III. The date of the payment; and
    - IV. Sufficient information to identify the transaction.
  2. A list of accounts for approval to be paid is to be prepared each month showing –
    - a. For each account which requires council authorisation in that month –
      - I. The payee’s name; and
      - II. The amount of the payment; and
      - III. Sufficient information to identify the transaction; and
    - b. The date of the meeting of the council to which the list is to be presented.
  3. A list prepared under subregulation (1) or (2) is to be –

- a. Presented to the council at the next ordinary meeting of the council after the list is prepared; and
- b. Recorded in the minutes of that meeting.

**Strategic Implications**

Nil

**Financial Implications**

Nil

**Consultation**

Nil

**Comment**

The list of accounts paid for the period 1 March 2019 to 31 March 2019 are as follows:

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1487*2019	MCDONALDS WHOLESALERS	26/03/2019	SUNDRY ITEMS FOR CARAVAN PARK	82.91
1443*2019	MODULAR WA	26/03/2019	Progress payment -Sports Oval Development	107,773.12
1428*2019	SAGE HOTEL WEST PERTH	26/03/2019	Staff Training- Gaye Dennison:ACCOMMODATION AND MEALS 17TH & 18TH	431.00
1379*2019	THE GOOD GUYS GERALDTON	26/03/2019	2 X KBM 5302 WA/RFridges & 1 x HCF 524 W2 Freezer	2,267.00
1311*2019	HODDER, TAMISHA	26/03/2019	March Meeting Fee 22.03.2019	645.67
1220*2019	PAYNE, GREGORY ARTHUR	26/03/2019	March Meeting Fee 22.03.2019	1,114.93
1187*2019	Truckline Geraldton	26/03/2019	Parts -Flexiguard Rubber	591.14
1182*2019	ThinkWater Geraldton	26/03/2019	Material Purchases -POLY PIPE FITTINGS	378.05
1166*2019	BRENZI, Silvio	26/03/2019	Reimbursement-MEG Meeting & Shelving for Sports Oval	645.05
1153*2019	Pratt, Ray	26/03/2019	Reimbursement - Keys cut for Public Amenities	33.30
1139*2019	Lawson, PERCY (SENIOR)	26/03/2019	March Meeting Fee 22.03.2019	409.67
1085*2019	Kanny, Joanne	26/03/2019	March Meeting Fee 22.03.2019	1,918.87
1073*2019	Great Northern Rural Services.	26/03/2019	Submersible Pump for Caravan Park	671.17
1064*2019	REFUEL AUSTRALIA	26/03/2019	February 2019 Fuel Supplies	15,662.59
1059*2019	Trenfield, Gail	26/03/2019	March Meeting Fee 22.03.2019	645.67
1056*2019	Five Star Business Equipment & Comms	26/03/2019	Photocopier Maintenance	697.51
1021*2019	Bunnings Building Supplies Pty Ltd	26/03/2019	SUNDRY ITEMS FOR WORKSHOP	33.75
1512*2019	CALLO, GIUSEPPE PETER	19/03/2019	Wild Dog Bounty	440.00

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1509*2019	GERALDTON TV & RADIO	19/03/2019	SUPPLY (3) SET TOP BOX	941.00
1501*2019	ST JOHN AMBULANCE WA LTD	19/03/2019	Snakebite Bandages (60)	392.90
1478*2019	SIMPSON, PHYLLIS	19/03/2019	Payment -Sale of Art Work ( Bookmarks)	7.50
1423*2019	EVENT ART TENTS - EMMALINE JAMES	19/03/2019	Art Supplies for Art Centre	659.82
1412*2019	PRATT, HELEN	19/03/2019	Payment - Sale of Art Work ( Birthday Card)	7.50
1284*2019	DEPARTMENT OF MINES, INDUSTRY REGULATIONS & SAFETY	19/03/2019	Building Permit Fee	912.64
1280*2019	BP MECHANICAL MAINTENANCE	19/03/2019	YA881 - Service & Repairs, YA493 - Service & Repairs ,YA853 - Service & Repairs, YA840 - Service & Repairs, YA1627 - Service & Repairs, YA1643 - Service & Repairs Water Pump , YA1643 - Service, YA1614 - Service, YA890 - Service & Repairs Parts, YA329 - Service, YA1627 - Service & Repairs, YA465 - Service & Repairs, YA465 - Service & repairs, MONTHLY SERVICE & REPAIRS TO SHIRE VEHICLES, YA1622 - Service & Repairs	13,125.66
1264*2019	PINPOINT CLEANING SOLUTIONS	19/03/2019	Monthly Clean of Shire Buildings	2,640.00
1240*2019	Westrac Equipment Pty Ltd	19/03/2019	YA860: CARRY OUT 2000HR SERVICE AS PER ESTIMATE 91	3,490.78
1210*2019	YUIN PASTORAL	19/03/2019	Construction of a 7.3 metre grid on Tardie/Yuin Road	16,137.00
1191*2019	Veolia Environmental Services	19/03/2019	Rubbish Service Collection Fee	4,089.14
1186*2019	Truck Centre(WA) Pty Ltd	19/03/2019	YA795: SERVICE & REPAIRS AS PER ESTIMATE 4419938	3,962.98
1171*2019	WINC AUSTRALIA PTY LIMITED	19/03/2019	WINC Office Supplies	1,023.19
1162*2019	Security & Keys	19/03/2019	Bi-lock Keys & Cylinders	1,952.03

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1124*2019	Murchison Regional Vermin Council	19/03/2019	Contribution for 106 kilometres Cell Fence (stage 2)	91,666.66
1106*2019	Mick Davey Butchers	19/03/2019	Food Supply for School Holiday Activities	250.00
1075*2019	Hallinan Refrigeration & Airconditioning	19/03/2019	REPAIRES TO SHIRE AIR CONDITIONERS AS PER QUOTE 42645	6,040.77
1067*2019	Geraldton Toyota	19/03/2019	YA1000 VEHICLE SERVICE	517.11
1051*2019	Elite Electrical Contracting Pty Ltd	19/03/2019	Electrical Repairs - RCD Fault at Caravan Park	849.79
1040*2019	Courier Australia	19/03/2019	Freight Charges: WINC	22.00
1040*2019	Courier Australia	19/03/2019	Freight Charges: NLS Perth Freight Charges, WINC, Five Star, NLS	222.38
1037*2019	Core Business Australia Pty Ltd	19/03/2019	Project Management -Claim 3: Yalgoo Sports Oval Development	10,241.00
1024*2019	Canine Control	19/03/2019	Ranger Service 10 & 14 March 2019	967.05
1021*2019	Bunnings Building Supplies Pty Ltd	19/03/2019	SUNDRY ITEMS FOR CARAVAN PARK, SUNDRY SUPPLIES FOR WORKSHOP Gas Bottle Exchange & Supplies for laundry	490.36
1018*2019	BOQ Asset Finance & Leasing Pty Ltd	19/03/2019	Photocopier Rental	329.50
1016*2019	BOC Limited	19/03/2019	Container Service Pallet exchange	126.49
1015*2019	Beaurepairs	19/03/2019	Tyres as per QUOTE - U534345796, Tyres for YA860, TYRES FOR YA860, YA487, YA465	1,914.40
1009*2019	Austral Mercantile Collection Pty Ltd	19/03/2019	Debt Collection fees - Rates	2,142.90
1511*2019	OSCAR & EVE MACRAME	11/03/2019	Macrame Workshop	840.00
1508*2019	WA MACHINERY BROKERS	11/03/2019	SUPPLY 1 200 LTS TANK & PUMP - Paynes Find	759.00
1506*2019	DONGARA BODY BUILDERS	11/03/2019	Repairs -YA479 & YA1613, 4 WIRE ROPES	1,694.00

1487*2019	MCDONALDS WHOLESALERS	11/03/2019	SUNDRY SUPPLIES FOR CARAVAN PARK	106.74
1483*2019	JARAM AUSTRALIA	11/03/2019	YA 1000 - STORAGE CHEST AS PER QUOTE 42030	7,579.13
1372*2019	DARREN LONG CONSULTING	11/03/2019	Consultancy Fees -Bank Reconciliation: September, October & November 2018	3,630.00
1337*2019	HILLE, THOMPSON & DELFOS	11/03/2019	Survey Costs - PaynesFind - Boundry Staking of RES 40170	946.00
1277*2019	REILLY & CO	11/03/2019	November & January School Holiday Program Flyer	528.00
1187*2019	Truckline Geraldton	11/03/2019	Sundry Supplies for Workshop	296.83
1160*2019	RSM Bird Cameron	11/03/2019	Audit of Roads to Recovery 2017/2018 Return	1,100.00
1153*2019	Pratt, Ray	11/03/2019	Poly Fittings for Depot	20.45
1124*2019	Murchison Regional Vermin Council	11/03/2019	Precepts - Yalgoo Shire 2018/2019	21,604.00
1101*2019	Marketforce	11/03/2019	Advertising Midwest Time - March 2019 Change of Date of Annual General Meeting of Electors	575.70
1091*2019	Landgate	11/03/2019	Valuations -Mining Tenements	39.00
1040*2019	Courier Australia	11/03/2019	Freight Charges -YA465 - Parts	67.60
1028*2019	Civic Legal	11/03/2019	Legal Fees -Recovery of Rates from Living Cities Development, Claim for return of Regional Road Funding Grant	2,603.70
1024*2019	Canine Control	11/03/2019	Ranger Service - 28 February 2019	967.05
1007*2019	ATOM Supply	11/03/2019	WORKSHOP SUPPLIES: Depot	638.54
1490*2019	CARNAMAH, PATRICIA	1/03/2019	National Police Check	50.24
1294*2019	DFES	1/03/2019	2018/19 Emergency Service Levy Quarter 3	2,758.80
1277*2019	REILLY & CO	1/03/2019	Consultancy Fees -Community Consultation	310.80
1251*2019	Atyeo's Environmental Health Services PL	1/03/2019	Consultancy Fees -EHO Duties	4,293.20
1234*2019	DATAKOM SOLUTIONS (AU) PTY LTD	1/03/2019	Software Support OZONE - Steve Carter Remotes Support - Rates	7,973.43
1182*2019	ThinkWater Geraldton	1/03/2019	RETICULATION FITTINGS FOR TOWN STREET MAINTENANCE	521.50

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1171*2019	WINC AUSTRALIA PTY LIMITED	1/03/2019	Office Supplies	107.32
1153*2019	Pratt, Ray	1/03/2019	Reimbursement –YA 1000 Rubber Mat for Tool Box	45.90
1144*2019	Pool & Spa Mart	1/03/2019	WATER PARK SERVICE CALL OUT	730.30
1108*2019	Midwest Chemical & Paper	1/03/2019	CLEANING SUPPLIES FOR SHIRE BUILDINGS	796.11
1106*2019	Mick Davey Butchers	1/03/2019	BBQ Packs for Australia Day	210.00
1083*2019	J R & A Hersey	1/03/2019	SUNDRY SUPPLIES FOR DEPOT AS PER ORDER 44763 SUNDRY SUPPLIES FOR DEPOT AS PER ORDER 44764 SUNDRY SUPPLIES AS PER ORDER 44765	1,427.86
1067*2019	Geraldton Toyota	1/03/2019	Purchase of New Foreman Ute - YA778	77,230.91
1064*2019	REFUEL AUSTRALIA	1/03/2019	WORKSHOP - GREASE & PUMP	1,428.50
1044*2019	Rocke, David	1/03/2019	Community Centre Paynes Find Cleaning	391.84
1034*2019	Communication Systems Geraldton	1/03/2019	Repairs to Phones Administration Centre	1,819.88
1005*2019	AMPAC Debt Recovery (WA) Pty Ltd	1/03/2019	Debt Collection fees	11.00
<b>TOTAL</b>				<b>443,667.28</b>

## **Voting Requirements**

Simple Majority

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

**C2019-0405    Accounts for Payment March 2019**

**That Council approve the list of accounts paid for the period 1 March 2019 to 31 March 2019 amounting to \$443,667.28 and the list be recorded in the Minutes.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Gail Trenfield**

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

### 11.3.2 Investments as at 31 March 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	16 April 2019
Attachments	Nil

#### Matter for Consideration

That Council receive the Investment Report as at 31 March 2019.

#### Background

Money held in the Municipal Fund of the Shire of Yalgoo that is not required for the time being may be invested under the Trustee Act 1962 Part III.

#### Statutory Environment

Local Government Act 1995

6.14. Power to invest

(1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.

(2A) A local government is to comply with the regulations when investing money referred to in subsection (1).

(2) Regulations in relation to investments by local governments may —

(a) make provision in respect of the investment of money referred to in subsection (1); and

[(b) *deleted*]

(c) prescribe circumstances in which a local government is required to invest money held by it;

and

(d) provide for the application of investment earnings; and

(e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

(1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

(2) The control procedures are to enable the identification of —

(a) the nature and location of all investments; and

(b) the transactions related to each investment.

#### 19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

(1) In this regulation —

**authorised institution** means —

(a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or

(b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

**foreign currency** means a currency except the currency of Australia.

(2) When investing money under section 6.14(1), a local government may not do any of the following —

(a) deposit with an institution except an authorised institution;

(b) deposit for a fixed term of more than 12 months;

(c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;

(d) invest in bonds with a term to maturity of more than 3 years;

- (e) invest in a foreign currency.

**Strategic Implications**

Nil

**Consultation**

Nil

**Comment**

The worksheet below details the investments held by the Shire as at 31 March 2019.

SHIRE OF YALGOO CASH HOLDINGS AS AT 31 MARCH 2019								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N <sup>o</sup>	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
<b>MUNICIPAL FUND</b>								
Note Balance as per Bank Statement								
NAB	N/A	Operating a/c	50-832-4520	Ongoing	N/A	N/A	Variable	\$1,354,428.96
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$41,269.38
NAB	N/A	Term Deposit	89-977-1574	2 months 30 day	25.03.2018	24.06.2019	2.47%	\$63,942.59
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$52,023.65
<b>TOTAL</b>								<b>\$1,511,664.58</b>

RESERVE FUNDS								
NAB	N/A	Term Deposit	97-511-4454	2 months 30 day	25.03.2019	24.06.2019	2.47%	\$165,607.88
NAB	N/A	Term Deposit	89-972-5236	2 months 30 day	25.03.2019	24.06.2019	2.47%	\$459,700.53
NAB	N/A	Term Deposit	11-186-3992	2 months 30 day	25.03.2019	25.03.2019	2.47%	\$1,096,633.68
<b>TOTAL</b>								<b>\$1,721,942.09</b>

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

INVESTMENT REGISTER						
01 JULY 2018 TO 31 MARCH 2019						
NATIONAL AUSTRALIA BANK						
ACCOUNT N <sup>o</sup>	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.03.2019	INVESTMENT TRANSFERS	CLOSING BALANCE 31.03.2019
86-538-7363	Ongoing	Variable	\$41,141.54	\$127.84	0	\$41,269.38
89-977-1574	25.06.2019	2.47%	\$62,683.84	\$1,258.75	0	\$63,942.59
24-831-4222	Ongoing	Variable	\$51,862.49	\$161.16	0	\$52,023.65
97-511-4454	24.06.2019	2.47%	\$162,347.79	\$3,260.09	0	\$165,607.88
89-972-5236	24.06.2019	2.47%	\$450,651.08	\$9,049.45	0	\$459,700.53
11-186-3992	25.03.2019	2.7%	\$1,075,045.84	\$21,587.84	0	\$1,096,633.68

### **Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further details.

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

**C2019-0406**     **Investments as at 31 March 2019**

**That the Investment Report as at 31 March 2019 be received.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Gail Trenfield**

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

### 11.3.3 Financial Activity Statement for the Period ended the 31 March 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	16 April 2019
Attachments	<ul style="list-style-type: none"> <li>• Statement of Comprehensive Income ending the 31 March 2019;</li> <li>• Financial Activity Statement; ending 31 March 2019</li> <li>• Summary of Current Assets and Current Liabilities as of 31 March 2019;</li> <li>• Statement of Current Financial Position as at 31 March 2019;</li> <li>• Detailed worksheets;</li> <li>• Other Supplementary Financial Reports:                             <ul style="list-style-type: none"> <li>○ Reserve Funds;</li> <li>○ Loan Funds;</li> <li>○ Trust Fund</li> </ul> </li> </ul>

#### Matter for Consideration

Adoption of the Monthly Financial Statements.

#### Background

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

#### Statutory Environment

##### *Local Government Act 1995*

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

##### *Local Government (Financial Management) Regulations 1996*

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
  - (e) the net current assets at the end of the month to which the statement relates.

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

#### Strategic Implications

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

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

## Policy Implications

2.4 Material Variance

## Financial Implications

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

## Consultation

Nil

## Comment

The Shire prepares the monthly financial statements in the statutory format along with the other supplementary financial reports comprising of:

- Statement of Comprehensive Income;
- Statement of Financial Position;
- Reserve Funds;
- Loan Funds; and
- Trust Fund.

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

## Voting Requirements

Simple Majority

CEO Silvio Brenzi explained the report in further detail.

## OFFICER RECOMMENDATION / COUNCIL DECISION

**C2019-0407    R34 (1) Financial Activity Statement for the Period ended the 31 March 2019.**

**That Council:**

**Adopts the Financial Activity Statement for the period ended 31 March 2019.**

**Moved: Cr Gail Trenfield**

**Seconded: Cr Gregory Payne**

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

## 11.4 ADMINISTRATION

### 11.4.1 Report on Matters Outstanding as at 16 April 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	16 April 2019
Attachments	Nil

#### Matter for Consideration

That Council note the report on outstanding matters.

#### Background

The report is compiled from resolutions of Council relating to reports presented to Council, Notice of Motions, and Urgent Business.

#### Statutory Environment

Nil

#### Business Implications

Nil

#### Consultation

Nil

#### Comment

Matters outstanding are detailed below with comments in relation to status.

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
31 Mar 17	Under-taking a Review of the Shire of Yalgoo Policies	That the CEO under-take a review of the Shire Policies over the next three months	<p>Review undertaken on the 22 February 2019 as to whether policies are to be deleted or incorporated into the Management policies/Procedure Manual or the HR Employee Manual</p> <p><b>A draft copy of the HR and Governance Manual's guidelines have been received and will be tabled at the Ordinary Council Meeting in May.</b></p>

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
28 July 2017	Review of Local Laws	Council authorised the CEO to implement a review of Local Laws	Third quote received  <b>Needs to be allocated in the Budget</b>
23 March 2018	Application for a prospecting licence	Council authorises the CEO to locate a suitable prospecting area close to the Yalgoo town site and make application to the Mining Registrar for registration.	Confirmation received from the Department of Mining and Petroleum advising that a lease can be held by the Shire.  <b>Paperwork is being completed need to wait 21 days to resubmit application.</b>
26 October 2018	Shire of Yalgoo Tourism Advisory Committee	Council resolved to establish the Advisory Committee and appointed the CEO and Crs. Gail Trenfield and Tamisha Hodder	A public submission has been received and will be presented at this meeting, still waiting on DBCA on the involvement
31 January 2019	House Safety of Lot 220, 82 Piesse Street Yalgoo	That Council Requests the CEO to investigate the safety of the house owned by Timothy Simpson and Gloria Merry at lot 220, 82 Piesse Street, Yalgoo.	EHO has planned an inspection for the April visit, a comprehensive report and recommendation be provided to the CEO
23 February 2019	Administrative Policy – Christmas Gifts for Children residing in Yalgoo	The Consultants LG People and Culture Workforce and Management Services to prepare draft Policy.	LG People have been advised of Councils decision from February. Work will now commence on drafts.
22 March 2019	Yalgoo and Paynes Find Landfill Site	1) That the CEO prepare a report detailing the schedule of works required to be undertaken to bring the Yalgoo and Paynes Find Landfill sites in compliance, alternative methods of disposal and related costs. 2) Request the Landfill Sites be cleaned and windblown waste to be removed from fences and surrounding areas.	<b>Council to decide whether to keep the Paynes Find Landfill site or go with one of the recommendations that was suggested in Bill Report either way funds needs to be allocated in the budget .</b>

## **Voting Requirements**

Simple Majority

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

**C2019-0408    Report on Matters Outstanding as at 16 April 2019**

**That Council:**

**Receives Report N<sup>o</sup> 11.4.1 Report on Matters Outstanding as at 16 April 2019.**

**Moved: Cr Gail Trenfield**

**Seconded: Cr Gregory Payne**

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

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

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 April 2019
Attachments	Letter dated 7 April 2019 from Midwest Group of Affiliated Agricultural Societies

**Matter for Consideration**

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

**Background**

The Shire of Yalgoo made a donation last year of \$150.00

**Statutory Environment**

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

*7.7 Donations and Sponsorship*

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

***Policy Statement***

1. *As a general practice, Council will restrict making donations of cash, materials and/or works to organisations which benefit the local community.*
2. *Sponsorship of individuals will not be considered, unless it is determined by Council that –*
  - *the person is representing the Shire as a community,*
  - *is acting for the Shire’s benefit to some extent, and*
  - *is authorised by a non-profit and non-government organisation which benefits the community.*
3. *The following Policy Schedules are adopted, and form part of this Statement –*
  - *7.7 (a) – Request for Support.*
  - *7.7 (b) – Criteria for Assessment of Requests*

*– End of Policy*

**Strategic Implications**

Promotion of the Shire and the Region.

**Consultation**

Nil

### **Comment**

Letter dated 7 April 2019 received from the Midwest Group of Affiliated Agricultural Societies requesting the Shire's financial support towards the cost of presenting the midwest district display at the Perth Royal Show.

Council has allocated the sum of \$2,000 in the 2018-19 Annual Budget for Members donations and to date \$200.00 has been incurred.

### **Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further detail, advising the Midwest Group of Affiliated Agricultural Societies applies each year for a donation from the Shire of Yalgoo.

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

**C2019-0409    Report for Donation – Mid West Group of Affiliated Agricultural Societies**

**That Council:**

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

**Moved: Cr Gail Trenfield**

**Seconded: Cr Tamisha Hodder**

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

**11.4.3 Report on National Congress and Business Expo 2019 – The Future Local Government Leader**

President Cr Joanne Kanny advised Item 11.4.3 - Report on National Congress and Business Expo 2019 – The Future Local Government Leader will be deferred to the next Ordinary Council Meeting to be held on Friday, 31 May 2019.

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 April 2019
Attachments	- Conference Brochure - Policy 3.2 – Conference and Training – Attendance and Expenses

**Matter for Consideration**

That Council grant approval for the CEO to attend the Local Government Professionals National Congress and Business Expo 2019 to be held from 31<sup>st</sup> July to 2<sup>nd</sup> August 2019 at the Darwin Convention Centre.

**Background**

In accordance with the clause 12.10.3 of the CEO’s Contract of Employment the CEO is entitled to attend one conference or other professional development activity per year at the Shire’s expenses to a maximum duration of one week and a maximum total cost (including travel and accommodation) of \$2,000. Council may upon application from the CEO, approve additional professional development activities in excess of the duration and cost.

**Statutory Environment**

CEO’s Contract of Employment Clause 12.10.3.1 and 12.10.3.2

Policy 3.2 – Conference and Training – Attendance and Expenses Item 7

7. There is an automatic disposition against interstate and overseas conferences and training. These will only be approved where there is clear and undisputed direct benefit (not simply relevance) to matters affecting the Shire of Yalgoo. The Council may consider registration fees, accommodation costs and incidentals, but will not reimburse or cover travel costs except as specified in this Policy and its Schedules.

**Financial Implications**

The estimated cost of attending this conference is as follows;

- Registration fees	\$1,550 (excluding GST)
- Accommodation	\$1,000 (excluding GST)
- Meals & Sundries	\$750 (excluding GST)
<b>Total</b>	<b>\$3,300</b>

**Consultation**

Nil

**Comment**

The National Congress and Business Expo 2019 will be held from the 31 July to 2 August 2019 at the Darwin Convention Centre. The Congress is titled “The Future Local Government Leader” and will feature sessions

with thought provoking ideas pushing the boundaries of what Local Government can achieve, updates on sector trends in Australia and abroad, and inspiring keynote speakers, international guests and experts discussing topics such as the politics of leadership, debunking the myths, collaborations between Councils and other levels of government, the future of work.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on National Congress and Business Expo 2019 – The Future Local Government Leader**

**That Council:**

**Approve of the CEO attending the Local Government Professionals National Congress and Business Expo 2019 from the 31 July to the 2 August 2019 at the Darwin Convention Centre, Darwin**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

### 11.4.4 Report on Significant Audit Findings for the year ended 30<sup>th</sup> June 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	18 April 2019
Attachments:	

#### Matter for Consideration

That Council give consideration to the Significant Audit Findings for the year 30<sup>th</sup> June 2018 together with the responses provided by the Chief Executive Officer and Consultant.

#### Background

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

#### Statutory Environment

*Local Government Act 1995*

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

- (3) A local government must —
  - (aa) examine an audit report received by the local government; and
  - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
  - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government must —
  - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
  - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

#### Business Implications

Nil

#### Consultation

Dominic Carbone Consultant

#### Comment

Findings identified as significant by the Audit in the Shire's Financial Statements for the year ended 30<sup>th</sup> June 2018 are detailed in the Audit report and are stated below.

The following material matters indicating non-compliance with part 6 of the *Local Government Act 1995*, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law were identified during the course of my audit:

- a. For 57% of purchase transactions we sampled, there was inadequate or no evidence that a sufficient number of quotations was obtained, to test the market, and no documentation to explain why other quotes were not sought. This practice increases the likelihood of not receiving value for money in procurement.
- b. For 19 to 26 payments we sampled, there was no evidence of signing officers examining supporting documentation to payments and documenting approval.
- c. Several monthly bank reconciliations were not completed in a timely manner, and some were not independently reviewed by management. In addition, the 30 June 2018 bank reconciliation included numerous uncleared payments and deposits in excess of 12 months old.
- d. Due to difficulties implementing new accounting software, four statements of financial activity were not presented at an ordinary meeting of Council within two months after the end of month to which the statement relates, which is not in compliance with Regulation 34(4)(a) of the Financial Management Regulations.

Management comments in relations to the above mentioned are as follows.

- a. the Shire of Yalgoo is located in a remote region of Western Australia with non existent suppliers of goods and services in the township, so its dependent on a smaller number of contractors who are willing to travel long distances to supply services and materials. The Auditors comments are noted and quotations will be obtained to comply with Council’s purchasing policy.
- b. Internal control procedures have been implemented to ensure the checking of service documentation when certifying and authorising payments.
- c. On the 1 July 2017 the Shire of Yalgoo implemented a new financial Accounting Software ‘OZONE’, this in turn presented many challenges for staff becoming familiar with operating the software. This was further complicated with the Shire Rates officer resigning (January 2019) and finding a suitable replacement proved extremely difficult. The Chief Executive Officer engaged the services of an external consultant to undertake the task resulting in bank reconciliation being brought up to date by manually reconciling. In relation to uncleared payments and deposits a lot of the research has been undertaken however little time was available to make the corrections by 30 June 2018.
- d. Monthly Financial reporting is up to date and is reported monthly.

## **Voting Requirements**

Simple Major

CEO Silvio Brenzi explained the report in further detail.

Cr Gregory Payne enquired about the management comments (b) Internal control procedures have been implemented to ensure the checking of service documentation when certifying and authorising payments.

CEO Silvio Brenzi advised management comments (b) pacifically relates to the journal book, when funds have been Journalled or had to be shifted as it was placed in the wrong account, the transactions need to be seen by two Authorised Officers not just one and signed off.

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0410    Report on Significant Audit Findings for the Year Ended 30th June 2018**

**That Council:**

- 1. Receives the Report on Significant Audit Findings for the year ended 30th June 2018: and**
- 2. Forward a copy of the report to the Minister for Local Government Sport and Cultural Industries.**

**Moved: Cr Gregory Payne**

**Seconded: Cr Gail Trenfield**

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

**11.4.5 Report on the redirection of the Paynes Find Wagga Wagga Road (Muralgarra Road) to bypass the Muralgarra homestead.**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	22 April 2019
Attachments	Email dated 15 April 2019 from EMR Golden Grove

**Matter for Consideration**

That Council give consideration to the request for a partial road closure of the Paynes Find Wagga Wagga Road inclusive of the construction of a Bypass at the Muralgarra Homestead.

**Background**

The Paynes Find Wagga Wagga Road is about 44k long and the road runs directly through the middle of the Muralgarra Homestead and its outer buildings complex.

**Statutory Environment**

**Local Government Act 1995**

**3.50. Closing certain thoroughfares to vehicles**

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- [(3) *deleted*]
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
  - (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and
  - (b) give written notice to each person who —
    - (i) is prescribed for the purposes of this section; or
    - (ii) owns land that is prescribed for the purposes of this section;
 and
  - (c) allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the *Main Roads Act 1930* a copy of the contents of the notice required by subsection (4)(a).
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

[(7) *deleted*]

(8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.

(9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

*[Section 3.50 amended by No. 1 of 1998 s. 11; No. 64 of 1998 s. 15; No. 49 of 2004 s. 26.]*

### **3.51. Affected owners to be notified of certain proposals**

(1) In this section —

**person having an interest**, in relation to doing anything, means a person who —

- (a) is the owner of the land in respect of which that thing is done, or any land that is likely to be adversely affected by doing that thing; or
- (b) is shown on the title to any of the land mentioned in paragraph (a) as holding an interest in any of that land; or
- (c) is prescribed for the purposes of this section.

(2) This section applies to —

- (a) fixing or altering the level of, or the alignment of, a public thoroughfare; or
- (b) draining water from a public thoroughfare or other public place onto adjoining land.

(3) Before doing anything to which this section applies, a local government is to —

- (a) give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission; and
- (b) allow a reasonable time for submissions to be made and consider any submissions made.

(4) The notice is to be given —

- (a) in writing to each person having an interest; and
- (b) if any land is likely to be adversely affected by the doing of the thing, by local public notice.

*[Section 3.51 amended by No. 64 of 1998 s. 17.]*

### **Land Administration Act 1997 (LLA)**

#### **53. Highways and main roads, effect of *Main Roads Act 1930* as to**

To the extent that there is in the case of a road which is a highway or main road within the meaning of the *Main Roads Act 1930* an inconsistency between this Act and that Act, that Act prevails.

#### **54. Dimensional configuration and situation of roads**

A road may have —

(a) a 2 dimensional configuration consisting of —

- (i) length; and
- (ii) width;

or

(b) a 3 dimensional configuration consisting of —

- (i) length; and

- (ii) width; and
- (iii) height or depth or both,

as specified in the relevant plan of survey or sketch plan lodged with the Registrar and may be situated in airspace or waters or on the surface of or below the ground (including the bed of waters) or in any combination of 2 or more of these situations.

**55. Property in and management etc. of roads**

- (1) Subject to this section and to section 57, the absolute property in land comprising a road is by this subsection —
  - (a) revested in the Crown; and
  - (b) in the case of land under the operation of the TLA or the *Registration of Deeds Act 1856*, removed from that operation and so revested.

- (2) Subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district of which a road is situated has the care, control and management of the road.

- (3) The operation of subsection (1) —

- (a) suspends, until the relevant road is closed under section 58, any rights to mine for minerals within the meaning of the *Mining Act 1978* excepted from the acquisition of the land reserved, declared or dedicated as that road; but

- (b) does not affect the functions of a local government in respect of a road of which it has the care, control and management.

- (4) If land comprising a private road is revested in the Crown under this section, a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that revesting.

*[Section 55 amended by No. 59 of 2000 s. 15.]*

**56. Dedication of land as road**

- (1) If in the district of a local government —

- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or

- (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —

- (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or

- (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

- (2) If a local government resolves to make a request under subsection (1), it must —
- (a) in accordance with the regulations prepare and deliver the request to the Minister; and
  - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
- (a) subject to subsection (5), by order grant the request; or
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
- (a) unallocated Crown land or, in the case of a private road, alienated land; and
  - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

*[Section 56 amended by No. 59 of 2000 s. 16.]*

## **57. Leases in relation to roads**

- (1) The Minister may —
- (a) grant a lease in respect of land above or below a road; or
  - (b) with the consent of the relevant local government, the Commissioner of Main Roads, or the Minister responsible for the administration of the *Public Works Act 1902*, as the case requires, grant a lease in respect of land comprising a road, if —
    - (i) there are structures above the road; or
    - (ii) the purpose of that lease is consistent with the use of the road by the public.
- (2) When a lease is granted under subsection (1)(b) in respect of land comprising a road and the road is closed under section 58 during the subsistence of the lease, the lease continues to subsist as an interest in Crown land until it terminates in accordance with law.

*[Section 57 amended by No. 59 of 2000 s. 17.]*

## **58. Closing roads**

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
  - (a) by order grant the request; or
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
  - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
  - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
  - (a) becomes unallocated Crown land; or
  - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

*[Section 58 amended by No. 59 of 2000 s. 18(1) <sup>9</sup>.]*

## **59. Creation and management of mall reserves**

- (1) Subject to this section, a local government may request the Minister to reserve under section 41 any Crown land within its district described in a plan of survey or sketch plan for the purpose of passage through that land by —
  - (a) pedestrians; and
  - (b) vehicles used by the holders of the freehold in, and occupiers of, land adjoining that land; and
  - (c) other vehicles permitted access to that land under local laws made under the *Local Government Act 1995*,

and for any other compatible purpose.
- (2) Before making a request under subsection (1), a local government must —
  - (a) advertise the purpose and details of the request in the prescribed manner; and
  - (b) send copies of that advertisement to the holders of the freehold in, and occupiers of, land adjoining the land in question, to suppliers of public utility services on the land in question and to the Planning Commission,

and specify in that advertisement a period of not less than 35 days from the day of that advertisement during which submissions relating to the request may be lodged with the local government.
- (3) After the expiry of the period referred to in subsection (2), the local government must send to the Minister its request, together with copies of any submissions lodged with it during that period and its comments on those submissions.

- (4) The Minister may, after receiving and considering a request and any accompanying submissions and comments sent to the Minister under subsection (3) —
  - (a) by order —
    - (i) grant the request; and
- (5) On the registration of an order made under subsection (4)(a) —
  - (a) any road within the mall reserve is closed and section 58(6) applies to any such road as if that road had been closed under section 58; and
  - (b) the Minister may by order confer on the management body of the relevant mall reserve power to grant a lease or licence over, or to mortgage, the whole or any part of that mall reserve for the purpose referred to in subsection (1), and a person leasing land from a management body on which that power has been conferred may, if that lease so provides, sublease the whole or any part of the land so leased for that purpose.
- (6) An order made under subsection (4)(a) or (5)(b) does not create any interest in Crown land in the relevant mall reserve in favour of the management body of that mall reserve.
- (7) For the purposes of —
  - (a) obtaining access to land adjoining a mall reserve; or
  - (b) installing, maintaining or removing public utility services within a mall reserve, the land within the mall reserve is to be treated as if it were a road.

**60. Public utility services in mall reserve, when suppliers of to be consulted**

If a supplier of public utility services has public utility services in a mall reserve, and the management body of the mall reserve proposes to create, place or erect any landscape improvement or structure in such a position that access to those public utility services may be affected, that management body must consult that supplier before that creation, placement or erection occurs.

**61. By-laws for management etc. of mall reserve**

- (1) The management body of a mall reserve may, after consulting —
  - (a) the holders of the freehold in, and occupiers of, land who use or depend on the mall reserve for access to that land; and
  - (b) any supplier of public utility services having public utility services on that land,
    - make, subject to subsection (3), by-laws for the care, control and management of the mall reserve.
- (2) Without limiting the generality of subsection (1), by-laws referred to in that subsection may —
  - (a) adopt, with or without modification, such provisions of the *Road Traffic Act 1974* as may facilitate the control and management of traffic within the relevant mall reserve as if that mall reserve were a road within the meaning of that Act; and provide for conditions subject to which the relevant management body may, if it is empowered by an order made under section 59(5) to grant leases or licences in respect of land in that mall reserve, grant leases or licences that are capable of affecting the interests of the holders of the freehold in, or occupiers of, land adjoining that mall reserve.
  - (3) If a management body referred to in subsection (1) is a local government, the power to make by-laws conferred on that management body by that subsection is to be construed as a power to make local laws under the *Local Government Act 1995* for the purposes for which by-laws may be made under this section.

## 62. Cancelling mall reserve and revoking management order

- (1) Subject to this section, the management body of a mall reserve may request the Minister to cancel the mall reserve.
- (2) Section 59(2) and (3) applies, with any necessary modifications, to a request made under subsection (1) as if that request were a request made under section 59(1) and the requesting management body were a local government.
- (3) The Minister may, after receiving and considering a request and any accompanying submissions and comments sent to the Minister under section 59(3) as read with subsection (2) —
  - (a) by order grant the request; or
  - (b) direct the management body to reconsider the request, having regard to such matters as the Minister thinks fit to mention in that direction; or
  - (c) refuse the request.
- (4) On the registration of an order made under subsection (3)(a) in respect of a mall reserve —
  - (a) the relevant local government or State instrumentality ceases to be the management body of the mall reserve; and
  - (b) the mall reserve is cancelled and the land the subject of the mall reserve is by virtue of this subsection dedicated as a road; and any by-laws made by the former management body under section 61 are repealed.

## 63. Terms used

In this Division —

**relevant local government**, in relation to any subject Crown land, means local government within the district of which the subject Crown land is situated;

**subject Crown land** means Crown land through which the route of a public access route passes or is intended to pass.

## 64. Declaring etc. public access route through Crown land

- (1) Subject to this section, the Minister may, for the purpose of providing members of the public with access through Crown land to an area of recreational or tourist interest, by order delivered after all necessary consents have been obtained under subsection (3)(a) or after the expiry of the period referred to in subsection (3)(b), whichever is the later, to —
  - (a) the Registrar; and
  - (b) each holder of an interest in the subject Crown land; and
  - (c) the relevant local government,

declare a route —

  - (d) shown on a diagram or plan incorporated in that order and indicating the width of that route; and
  - (e) giving access through the subject Crown land to that area,

to be a public access route, and may by order delivered to the persons referred to in paragraphs (a), (b) and (c) vary or cancel a declaration made under this subsection.
- (2) A declaration, or a variation or cancellation of a declaration, made under subsection (1) comes into operation on the day on which the relevant order is registered.

(3) Before making, or varying or cancelling, a declaration under subsection (1), the Minister must

—

- (a) consult each holder of an interest in the subject Crown land concerning, and obtain his or her consent in writing to, the proposed declaration, variation or cancellation; and
- (b) cause to be published once in a newspaper circulating generally in the State a copy of the proposed declaration, variation or cancellation, together with an invitation to members of the public to comment in writing to the Minister on that declaration, variation or cancellation within such period of not less than 3 months after that publication as is specified in that invitation.

**65. Nature, signposting and routes of public access route**

(1) A public access route is, subject to this Division, to be treated as an easement granted by the Minister under section 144 in favour of members of the public generally.

(2) The Minister may cause the route of each public access route to be signposted so as —

- (a) to enable members of the public using that public access route to follow it; and
- (b) to inform those members of the public in general terms of the contents of section 66 and that they use that public access route entirely at their own risk.

(3) If the actual route of a public access route differs from the route of the public access route as shown on the diagram or plan incorporated in the relevant order delivered under section 64(1), that actual route is to be taken to be the route of the public access route.

**66. Liability of Minister etc. in respect of public access route restricted**

(1) This section applies to a person who is or at the relevant time was the Minister, the relevant local government, any holder of an interest in the subject Crown land or any other person acting under the authority or direction of the Minister, the relevant local government or that holder.

(2) Subject to this Division, a person to whom this section applies is neither —

- (a) obliged to perform any construction or maintenance in respect of a public access route; nor
- (b) an occupier of premises in respect of a public access route for the purposes of the *Occupiers' Liability Act 1985*.

(3) An action in tort does not lie against a person to whom this section applies for anything that that person has in good faith done in the performance or purported performance of a function under this Division.

(4) The protection given by subsection (3) applies even though the thing done in the performance or purported performance of a function under this Division may have been capable of being done whether or not this Division had been enacted.

(5) In subsections (3) and (4), a reference to the doing of any thing includes a reference to the omission to do any thing.

(6) Members of the public use a public access route entirely at their own risk.

**67. Temporary closure of public access route**

The Minister may, after consulting the relevant local government —

- (a) by notice published once in a newspaper circulating generally in the State, close the whole or any part of a public access route for such period as is specified in that notice; and
- (b) cause such signs and barriers to be placed on or near the public access route or part of the public access route closed under this subsection as are necessary to warn members of the public of that closure and of the duration of that closure.

**68. Fence across public access route, crossing of to be provided**

If the route of a public access route intersects with the line of a fence, the Minister must provide, or arrange with the relevant holder of an interest in the subject Crown land at the expense of the Minister to provide, a grid or other means of passage through or over that fence at the point of that intersection.

**69. Right to use public access route**

Subject to this Division, a person may travel by any means along the whole or part of a public access route which is not closed under section 67.

**70. Certain effects of public access routes**

(1) Subject to this Division —

(a) the rights and obligations of the holder of an interest in the subject Crown land under that interest continue to apply in respect of the subject Crown land despite the existence of the public access route; and

(b) the holder of an interest in the subject Crown land is not entitled to any compensation for any reduction in the value of that interest resulting from the declaration under section 64(1) of a public access route through the subject Crown land, but such a reduction may be taken into account by the Minister when determining or re-determining any amount payable to the Minister in respect of the subject Crown land.

(2) Nothing in this Division affects or prevents the continuance of any mortgage, charge, security or other encumbrance with which the subject Crown land is burdened.

**71. Offences**

(1) A person must not without reasonable excuse create or place any obstruction across or on a public access route which, or the relevant part of which, is not closed under section 67.

Penalty: \$2 000.

(2) A person using a public access route must not hinder or obstruct the proper care, control or management of the subject Crown land.

Penalty: \$2 000.

(3) A person using a public access route must not camp —

(a) on the public access route; or

(b) without the consent of the holder of an interest in the subject Crown land, elsewhere on the subject Crown land.

Penalty: \$1 000.

**Land Administration Regulations 1998 Regulation 9**

**9. Local government request to close road permanently (Act s. 58(2)), requirements for**

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
- (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government’s comments on those submissions; and
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and
- (e) any other information the local government considers relevant to the Minister’s consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

**Business Implications**

Nil.

**Consultation**

Nil.

**Comment**

An email dated 15 April 2019 received from EMR Golden Grove stating that the Muralgarra Homestead will be vacated after Easter for an indefinite period and for security reasons the company is seeking to redirect the Paynes Find Wagga Wagga Road to bypass the homestead in order to limit the potential for vandalism/theft from passing traffic. The proposed deviation road to be no more than a kilometre or so west, this would place the homestead out of sight of passing traffic.

Part 5 of the Land Administration Act 1997 allows for the creation/dedication and closure of roads in Western Australia.

Where a road dedicated for public use is proposed to be closed at the request of a Local Government under Section 58 of the LLA, the local government must allow 35 days after the publication in a newspaper for objections and must consider any objection before requesting closure.

Regulation 9 of the Land Administration Regulations 1998 specifies the procedural requirements of a local government prior to submitting a request to the Minister for Lands.

Section 87 of the LLA provides the means for disposal of land in a closed road that allows for the amalgamation of land into an adjoining land holders land.

Council is requested to give consideration to initiate the road deviation and closure process. Community consultation will be undertaken in accordance with Section 58 of the LLA 1997. As this proposed road deviation and associated closure will benefit EMR Golden Grove directly the costs associated with the construction of the deviation road, closure and amalgamation including survey costs, engineering costs, fees, legal costs and advertising etc should be borne by the company. EMR Golden Grove have indicated in their

email that it is willing to construct the bypass once the location is confirmed and pegged in consultation with the Shire.

### **Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further detail.

Cr Gail Trenfield enquired if the work to have the road deviated to bypass the homestead would it be the Shire works staff doing the works.

CEO Silvio Brenzi advised that EMR Golden Grove would need to employ their own contractors to conduct the works.

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

**C2019-0411     Report on the redirection of the Paynes Find Wagga Wagga Road (Muralgarra Road) to bypass the Muralgarra homestead.**

**(1) That Council inform EMR Golden Grove that it is willing to initiate the deviation of the Paynes Find Wagga Wagga Road to bypass the Muralgarra Homestead on the basis that EMR Golden Grove meet all the costs associated with the deviation, closure and amalgamation of the road.**

**(2) Subject to the response provided by EMR Golden Grove to (1) above the CEO be authorised to further investigate the process involved and prepare an estimate of cost.**

**Moved: Cr Gail Trenfield**

**Seconded: Cr Gregory Payne**

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

## **12. NOTICE OF MOTIONS**

### **12.1 PREVIOUS NOTICE RECEIVED**

**Nil**

## **13. URGENT BUSINESS**

A discussion was held in regards to the following topics

1. Yalgoo Emu Festival,
2. Yalgoo Nursing Post
3. Arts and Culture Committee Meeting

There was no Council Decision on these matters.

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

President Cr Joanne Kanny requested a motion be moved to go behind closed doors. The motion was moved by Cr Gregory Payne and second by Cr Gail Trenfield. There being no debate on the matter the motion was put and carried 4/0

The meeting was closed to the public at 10.56 am

**ATTENDANCE:** CEO Silvio Brenzi declared an interest and left the room at 10.56 am

**ATTENDANCE:** Elisha Hodder left the room at 10.56 am

Remaining in the meeting were;

Cr Joanne Kanny, Shire President  
 Cr Gregory Payne, Deputy President  
 Cr Gail Trenfield  
 Cr Tamisha Hodder

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

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

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

#### Local Government Act 1995

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

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or

- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971 ; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

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

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

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

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

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

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

**s6. Use of information**

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

**14.1 Report on Chief Executive Officer Performance Review – Engagement of Consultant**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 April 2019
Attachments:	Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Chief Executive Officer Performance Review – Engagement of Consultant**

**That Council:**

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_ **Motion put and carried:** \_\_\_\_\_

President Cr Joanne Kanny requested the following to be stated in the Minutes;  
 In view of the Chief Executive Officer offering his resignation to the Shire President, the Officers Recommendation is not adopted and the following motion is being moved.

**COUNCIL DECISION**

**C2019-0412 Resignation Letter Received by Chief Executive Officer**

**That Council:**

1. **Accepts the Resignation of the Chief Executive Officer,**
2. **Subject to (1) above, the Shire President be authorised to forward a letter of acceptance, and**
3. **That the terms and conditions in relation to the termination of contract, as detailed in the CEO’s resignation letter, be subject to the conditions being negotiated and confirmed by Council within 14 days.**

**Moved: Cr Gregory Payne**                      **Seconded: Cr Gail Trenfield**                      **Motion put and carried: 4/0**

President Cr Joanne Kanny reopened the meeting 11.30 am.

**15. NEXT MEETING**

The next Ordinary Meeting of Council is due to be held at the Paynes Find Community Centre, on Friday 31 May 2019 commencing at 11.00 am.

**16. MEETING CLOSURE**

There being no further business, the President declared the Ordinary meeting closed at 11.31 am

**DECLARATION**

These minutes were confirmed at the Ordinary Council Meeting held on the 31 May 2019.

Signed: \_\_\_\_\_

Person presiding at the meeting at which these minutes were confirmed.

