



AGENDA

Special Council Meeting

14th September 2021

Notice of Meeting

A Special Council Meeting for the Shire of Yalgoo has been called for Tuesday the 14th September 2021 in the Council Chambers, 37 Gibbons Street, Yalgoo starting at 10:00am.



Ian Holland

CHIEF EXECUTIVE OFFICER

10th September 2021

Disclaimer:

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

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1 DECLARATION OF OPENING

The Shire President welcomed those in attendance and declared the meeting open at

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

APOLOGIES

LEAVE OF ABSENCE

3 DISCLOSURE OF INTERESTS

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

4 PUBLIC QUESTION TIME

REPONSES TO QUESTIONS TAKEN ON NOTICE

QUESTIONS TAKEN WITHOUT NOTICE

5 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

6 NOTICE OF MATTERS TO BE DISCUSSED BEHIND CLOSED DOORS

7 APPLICATIONS FOR LEAVE OF ABSENCE

8 BUSINESS AS NOTIFIED

Purpose of Meeting – To consider for adoption

- Differential General Rates 2021-22
- Payment of Rate Charge 2021-22
- Imposition of Fees and Charges for 2021-22
- 2021-22 Annual Budget
- Monthly Statement of Financial Activity Reporting Material Variance
- Training during the Local Government Convention Week
- Yalgoo Pipe Stockpile
- Change of Date for Ordinary September Meeting

8.1 Differential General Rates 2021-22

Applicant:	Shire of Yalgoo
Date:	1/09/2021
Reporting Officer:	Dominic Carbone
Disclosure of Interest:	NIL
Attachments:	Letter from the Department of Local Government, Sport and Cultural Industries

SUMMARY

That Council at its Special Meeting held on the 6th July 2021 resolved that it intended to impose the rate in the dollar and minimums for each of the differential rating categories detailed below.

COMMENT

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

Gross Rental Value	Rate in \$	Minimum Rate
Town Imposed	7.83184 cents	\$290.00
Town site Vacant	7.83184 cents	\$290.00
Mining Infrastructure	29.75000 cents	

Unapproved Value	Rate in \$	Minimum Rate
Pastoral/Rural	6.900787 cents	\$290.00
Mining/Mining Tenement	32.00000 cents	\$290.00
Exploration/Prospecting	19.88253 cents	\$290.00

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

1. The proposed differential general rates and minimums were advertised.
2. No submissions were received.
3. Ministerial approval was obtained in accordance with Section 6.33(3) of the Local Government Act 1995.

The deficiency of expenditure over income for the purpose of striking the rates for the 2021-22 financial year amounts to \$2,705,463 and results in an increase in revenue of \$111,120 when compared to rates levied and interim rates received in 2020-21.

A letter dated the 31st August 2021 from the Department of Local Government, Sport and Cultural Industries was received stating that approval has been given to the Shire to impose differential general rates which are more than twice the lowest rate in the dollar for UV Exploration/Prospecting and Mining/Mining Tenement as well as GRV.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council adopts the following differential general rates for the 2021/2022 financial year.

Gross Rental Value	Rate in \$	Minimum Rate
Town Imposed	7.83184 cents	\$290.00
Town site Vacant	7.83184 cents	\$290.00
Mining Infrastructure	29.75000 cents	

Unapproved Value	Rate in \$	Minimum Rate
Pastoral/Rural	6.900787 cents	\$290.00
Mining/Mining Tenement	32.00000 cents	\$290.00
Exploration/Prospecting	19.88253 cents	\$290.00

8.2 Payment of Rate Charges

Applicant:	Shire of Yalgoo
Date:	6/09/2021
Reporting Officer:	Dominic Carbone
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council consider and impose a rate of interest on overdue rates for the 2021/22 financial year.

COMMENT

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

The Shire has traditionally offered a four instalment payment option.

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

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

It is recommended that the due date of each instalment for the 2021/2022 financial year is as follows:

- 1st Instalment Monday, 25 OCTOBER 2021
- 2nd Instalment Monday, 27 DECEMBER 2021
- 3rd Instalment Monday, 28 FEBRUARY 2022
- 4th Instalment Monday, 25 APRIL 2022

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

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

Financial Management Regulation 70 states that the maximum rate of interest on overdue rates to be imposed under Section 6.51 of the Local Government Act is 7%.

It is recommended that Council impose a rate of interest of 7% to apply on overdue rates after 1st January 2022

Section 6.45 permits a Council to impose an additional charge for the recovery of the additional cost of administration for payments made by instalment, including an amount by way of interest. Regulation 68 limits the maximum component to be imposed to be of 3.0%. It is recommended that Council impose a rate of interest of 0%.

In recognition of foregone interest earnings the Shire could otherwise have achieved if rates payments were received in one payment earlier in the financial year, together with the increased administrative burden in managing multiple instalments which includes the costs of printing, postage and handling, it is recommended that the Shire apply an instalment Administration charge of \$10 (GST free). This would only be applicable to the second/third/fourth instalment as one charge where ratepayers elect to pay by the prescribed instalment due dates, and any alternative payment plan arrangements established.

At the Ordinary May meeting Council resolved the following:

**OFFICER RECOMMENDATION/COUNCIL DECISION
C2021-0513 Penalty Rate Interest**

That Council agree to continue the current Covid-19 related 0% rate of penalty interest until the issue date of 2021/22 Rate Notices being no later than October 2021.

Moved: Cr Raul Valenzuela Seconded: Cr Gail Trenfield

Motion put and carried: 4/0

As discussed at that meeting it is proposed that the imposition of interest not take place until the rate record has been moved from the current financial system across to the new Synergysoft Platform. It is proposed that interest be applicable from the 1st January 2022 on any outstanding rates. This will simplify the transition and the Shire has engaged debt collectors to work through outstanding debts.

STATUTORY ENVIRONMENT

Local Government Act 1995

s.6.45, 6.51 and Financial Management Regulations 67, 68, 70 and 71.

POLICY/FINANCIAL IMPLCATIONS

The 2021/2022 Annual Budget has included \$5,000 for the interest charge on overdue rates.

Financial Management Regulation 71 details the method of calculation of interest on overdue rates.

- 1) Interest on rates and service charges and the cost of any proceedings to recover such charges, that remain unpaid after the due date of becoming due and payable (“the due date”) is to be calculated on a simple interest basis for the number of days from the due date until the day before the day on which a payment is received by the local government.
- 2) The principal sum on which interest is calculated for a financial year may include interest accrued but not paid in a previous financial year but is not to include interest accrued in the current financial year.
- 3) If payment is received by the local government during the period 1st July in a financial year until the annual budget for that financial year is adopted, interest referred to in sub regulation (1) for the period is to be at the interest imposed under section 6.51 (1) for the previous financial year.

The 2021/22 Annual Budget has included \$200 for charges to be divided on the instalment plan (administration charge).

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council:

1. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment administration charge of \$10 (GST free), and interest of 0%.
2. Pursuant to Section 6.51 of the Local Government Act 1995, Impose an 7% rate of penalty interest on overdue rates that remain unpaid effective from the 1st January 2022.

8.3 Imposition of Fees and Charges for 2021/22

Applicant:	Shire of Yalgoo
Date:	7/09/2021
Reporting Officer:	Dominic Carbone
Disclosure of Interest:	NIL
Attachments:	Schedule of Fees and Charges for 2021-22

SUMMARY

That Council give consideration to adopting the Fees and Charges detailed in the schedule of Fees and Charges.

COMMENT

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

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

A handful of changes are proposed with the expansion of the Caravan Park Accommodation and it is suggested that donations be requested for entry to the Chapel. User details and a key deposit will be recorded.

STATUTORY ENVIRONMENT

Local Government Act 1995

s6.16 and Financial Management Regulation 25

POLICY/FINANCIAL IMPLCATIONS

Adoption of Fees and Charges

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council pursuant to Section 6.16 of the Local Government Act 1995, adopts the Fees and Charges detailed in the “Schedule of Fees and Charges” for the 2021-22 financial year.

8.4 2021/22 Annual Budget

Applicant:	Shire of Yalgoo
Date:	6/09/2021
Reporting Officer:	Dominic Carbone
Disclosure of Interest:	NIL
Attachments:	Approval of Extension 2021-22 Annual Budget Detailed Budget Worksheets for 2021-22

SUMMARY

That Council give consideration and adopt the 2021/22 Annual Budget.

COMMENT

The 2021/2022 Annual Budget has been prepared in accordance with Section 6.2 of the Local Government Act 1995 and Financial Management Regulations Part 3, Regulations 22 to 33.

The 2021/2022 Annual Budget comprises the following information, which is contained in the Budget Booklet:

- Statement of Comprehensive Income by Nature or Type.
- Basis of Preparation
- Statement of Comprehensive Income by Program
- Statement of Cash flows
- Rate Setting Statement

Index of Notes to the Annual Budget:

- Rates
- Net Current Assets
- Reconciliation of Cash
- Asset Acquisitions
- Asset Disposals
- Asset Depreciation
- Borrowings
- Reserves
- Fees and Charges
- Grant Revenue
- Revenue Recognition
- Elected Members Remuneration
- Other Information
- Significant Accounting Policies -Other Information

STATUTORY ENVIRONMENT

Local Government Act 1995

s6.2 of the Local Government Act 1995 and Financial Management Regulations 22 to 33

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council:

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

- Statement of Comprehensive Income by Nature or Type.
- Basis of Preparation
- Statement of Comprehensive Income by Program
- Statement of Cash flows
- Rate Setting Statement

Index of Notes to the Annual Budget:

Rates

Net Current Assets

Reconciliation of Cash

Asset Acquisitions

Asset Disposals

Asset Depreciation

Borrowings

Reserves

Fees and Charges

Grant Revenue

Revenue Recognition

Elected Members Remuneration

Other Information

Significant Accounting Policies -Other Information

8.5 Monthly Statement of Financial Activity – Reporting of Material Variance

Applicant:	Shire of Yalgoo
Date:	6/09/2021
Reporting Officer:	Dominic Carbone
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

The Local Government Financial Management Regulations 1996 requires a Local Government to prepare monthly Financial Activity Statements and report Material Variance. Council is now required to set the material variance for the 2021/22 financial year.

COMMENT

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

1. A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d). for that month in the following detail-
 - (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8.
 - (b) Budget estimates to the end of month to which the statement relates:
 - (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) Material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) The net current at the end of month to which the statement relates.
2. Each Statement of Financial Activity to is to be accompanied by documents containing-
 - (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) An explanation of each of the material variances referred to in sub regulation (1) (d) ; and
 - (c) Such other supporting information as is considered relevant by the local government.
3. The information in a Statement of Financial Activity may be shown-
 - (a) According to nature and type classification;
 - (b) By program; or

- (c) By business unit.
4. A Statement of Financial Activity and the accompanying documents referred to in sub regulation (2) are to be
- (a) Presented to the Council:
 - (i) At the next ordinary meeting of the Council following the end of the month to which the statement relates; or
 - (ii) If the Statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the Council after that meeting; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
5. Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in Statements of Financial Activity for reporting material variances.
6. In this regulation:

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

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

Accordingly in order to meet the reporting requirements of the Statement of Financial Activity

Council is required to give consideration to setting the following material variances, as per previous years.

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

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations and Australian Accounting Standard Number 5, adopts the following material variance for the 2020/21 Financial Year

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

8.7 Disposal of Property – APA Pipeline Depot

Applicant:	Shire of Yalgoo
Date:	6/09/2021
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Lot placement and Pipe Equipment Diagram from APA Group

SUMMARY

The Shire of Yalgoo has been approach by APA Group to discuss the potential lease of land around Yalgoo Townsite for the placement of a temporary pipe depot.

COMMENT

In discussions with administration a proposal has been developed which relates to Lot 185 P181557 and Lot 217 P034323, 14 Shamrock Road and 27 Selwyn Street, North of town. It has been suggested that the Shire lease this land for a period of less than two year as part of a project that will likely involve one month of trucking pipe into town during daylight hours, 6-12 months of storage and another month of the pipes removal. The site may also be used for storage of plant and there is the potential for a site office.

Any infrastructure onsite would be temporary and the proposed lots would be reinstated to their original condition. A proposed layout away from housing has been attached for consideration. Planning requirements and options will be provided to Council to consider alongside any submissions of the disposal/lease.

Should Council consider this proposal conducive to the community and the Shires operations the process for disposal will be followed as per Section 3.58 Disposing of Property (3) & (4) of the Local Government Act 1995. This will return to Council after a 2 week advertising window has elapsed. APA Group have indicated that they will offer \$30,000 for lease of the land for the term.

Once the mandatory advertising period has elapsed this disposal with be presented to Council for decision.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

Additional Revenue 2021/22

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council provide in principal support for this proposal, subject to any submissions that may be received and a local planning scheme assessment.

COUNCIL RESOLUTION

Moved Cr

Seconded Cr

That Council provide in principal support for this proposal, subject to any submissions that may be received and a local planning scheme assessment.

CARRIED

9 NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers, Gibbons Street Yalgoo on Friday 24 September commencing at 10.00 am.

Due to the proximity of the Local Government Convention and other local commitments for baiting it is proposed that the Ordinary September Meeting be advertised and rescheduled for Tuesday the 28th September 2021 or Friday the 1st of October 2021. As the mining forum is scheduled for Thursday the 30th September 2021 there may be too many commitments for Councillors and the meeting should be set for the following week.

OFFICERS RECOMMENDATION

That Council change the date of the Ordinary September Meeting 2021 to Tuesday the 24th September 2021 at 10am and advertise accordingly.

10 MEETING CLOSURE

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

PUBLIC QUESTION TIME - FOR INFORMATION PURPOSES ONLY

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

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

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

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

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

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

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

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

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

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

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

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

Local Government Act 1995

s5.23. Meetings generally open to the public

(1) Subject to subsection (2), the following are to be open to members of the public —

- (a) all council meetings; and
- (b) all meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government; and

- (f) a matter that if disclosed, could be reasonably expected to —

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- and
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

s5.92 Access to information by council, committee members

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

s5.93. Improper use of information

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

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

Local Government (Model Code of Conduct) Regulations 2021

s.21 Disclosure of Information

(1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

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

document includes a part of a document;

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

(2) A council member must not disclose information that the council member —

(a) derived from a confidential document; or

(b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent a council member from disclosing information —

(a) at a closed meeting; or

(b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

ATTENDANCE - FOR INFORMATION PURPOSES ONLY

Local Government Act 1995

S2.25 Disqualification for failure to attend meetings

(1) A council may, by resolution, grant leave of absence, to a member.

- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
 - (a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - (b) if the non attendance occurs —
 - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iiiia) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the Local Government Amendment Act 2009 section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

Urgent Business

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

Deputations

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

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