



AGENDA

FOR THE ORDINARY MEETING

OF COUNCIL

TO BE HELD IN

THE COUNCIL CHAMBERS, YALGOO

ON THURSDAY 17 DECEMBER 2015

COMMENCING 11.00 AM

SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE YALGOO COUNCIL CHAMBERS, YALGOO ON THURSDAY 17 DECEMBER 2015 COMMENCING AT 11.00 AM.

Dominic Carbone
Acting Chief Executive Officer

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15. NEXT MEETING 34

16. MEETING CLOSURE 34



Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 17 December 2015, commencing at 11.00am.

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF
ABSENCE

APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

Date	Details	Attended with whom

7.2 COUNCILLORS

Date	Details	Councillors

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

Officer Recommendation

Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 22 October 2015 be confirmed.

Moved:	Seconded:	Motion put and carried/lost
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8.2 SPECIAL COUNCIL MEETINGS

Background

Minutes of the following Special Meetings of Council have previously been circulated to all Councillors:

Voting Requirements

Simple majority

OFFICER RECOMMENDATION

Minutes of the Special Meeting held Friday 4 December 2015

That the Minutes of the Special Council Meeting held at Yalgoo on Friday 4 December 2015 be confirmed.

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

Nil

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters

10.0 INFORMATION ITEMS

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (e.g: matters affecting employee/s or the personal affairs of any person).

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

No report this month

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

No report this month

11.3 FINANCE

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

File:	
Author:	Dominic Carbone, ACEO
Interest Declared:	No interest to disclose
Date:	12 December 2015
Attachments	P1 Financial Statements for the Month of July 2015
(White)	

Matter for Consideration

Adoption of the monthly financial statements.

Background

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

Statutory Environment

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

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

Regulation 34 states:

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

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

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

Strategic Implications

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

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

11.3.2 Financial Activity Statements and Accounts Paid for the Month of August 2015.

File:	
Author:	Dominic Carbone, ACEO
Interest Declared:	No interest to disclose
Date:	12 December 2015
Attachments	P49 Financial Statements for the Month of August 2015 (White)

Matter for Consideration

Adoption of the monthly financial statements.

Background

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

Statutory Environment

Local Government Act 1995

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

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- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

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

Strategic Implications

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

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

Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

11.3.3 Financial Activity Statements and Accounts Paid for the Month of September 2015.

File:	
Author:	Dominic Carbone, ACEO
Interest Declared:	No interest to disclose
Date:	12 December 2015
Attachments	P92 Financial Statements for the Month of September 2015 (White)

Matter for Consideration

Adoption of the monthly financial statements.

Background

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

Statutory Environment

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

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

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

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

Strategic Implications

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

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

Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

11.3.4 Financial Activity Statements and Accounts Paid for the Month of October 2015.

File:	
Author:	Dominic Carbone, ACEO
Interest Declared:	No interest to disclose
Date:	12 December 2015
Attachments	P138 Financial Statements for the Month of October 2015 (White)

Matter for Consideration

Adoption of the monthly financial statements.

Background

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

Statutory Environment

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

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

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- (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);
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Strategic Implications

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

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

Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

11.4 ADMINISTRATION

11.4.1 Ordinary Meetings of Council Dates 2016

File:	
Author:	Dominic Carbone, ACEO
Interest Declared:	No interest to disclose
Date:	12 December 2015
Attachments	Nil

Matter for Consideration

For Council to set dates, times and locations for Council and Committee meetings in the calendar year of 2016.

Background

Council is required under the Local Government Act to give local public notice of dates and times of Council meetings and those committee meetings which are open to the public.

Council generally meets on the second last Thursday of the month, in the months of February to October. Meetings are not held in January and the December meeting day/date generally changes each year depending on the Christmas shutdown period and other matters. Meetings in May and September are held at Paynes Find.

Statutory Environment

Local Government Act 1995

s.5.3 – Council meeting not to be more than 3 months apart

Local Government (Administration) Regulations 1996

12. Meetings, public notice of (Act s. 5.25(1)(g))

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

Business Implications

Strategic Community Plan	Nil
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Cost of advertising in accordance with the regulation.

Consultation

- Neil Grinham, President

Comment

Council is requested to give consideration to the Scheduled meetings to be conducted in the 2016 calendar year as detailed below.

It is proposed that the Ordinary Council meetings be held on Fridays instead of Thursdays as in previous years, in order to enable the attendance of Cr Joanne Kanny (due to School of the Air commitments) and other members’ requirements

No date has been scheduled at this stage for the electors’ general meeting on the basis that the financial statements need to be audited, an audit certificate be received and Council adopts an Annual Report for the financial year before an electors’ general meeting can be held.

Month	Date	Day	Time	Council	Audit	Committee	Location
January	22	Friday	10am	Ordinary			Yalgoo
February	19	Friday	10am	Ordinary			Yalgoo
March	18	Friday	10am	Ordinary			Yalgoo
March	11	Friday	10am		Audit		Yalgoo
April	22	Friday	10am	Ordinary			Yalgoo
May	20	Friday	10am	Ordinary			Paynes Find
May	13	Friday	10am			Finance	Yalgoo
June	17	Friday	10am	Ordinary			Yalgoo
July	22	Friday	10am	Ordinary			Yalgoo
July	15	Friday	10am			Finance	Yalgoo
August	19	Friday	10am	Ordinary			Yalgoo
September	23	Friday	10am	Ordinary			Paynes Find
October	21	Friday	10am	Ordinary			Yalgoo
November	18	Friday	10am				Yalgoo
November	11	Friday	10am		Audit		Yalgoo
December	TBA	Friday	TBA pm	Electors’			Paynes Find
December	16	Friday	10am	Ordinary			Yalgoo

Voting Requirements

Simple Majority

Officer Recommendation #1

Ordinary Council Meeting Dates for 2016

That Ordinary meetings of Council in 2016 be held in the Shire of Yalgoo Council Chambers (with the exception of the two meetings noted below to be held at the Paynes Find Community Centre), commencing at 10.00am, on the following dates:

- Friday, 22 January
- Friday, 19 February
- Friday, 18 March
- Friday, 22 April
- Friday, 20 May (Paynes Find)
- Friday, 17 June
- Friday, 22 July
- Friday, 19 August
- Friday, 16 September (Paynes Find)
- Friday, 21 October
- Friday, 16 December

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

Officer Recommendation #2

Audit Committee Provisional Dates for 2016

That the Audit Committee of Council intends to meet at 10:00am in the Shire of Yalgoo Council Chambers on the following dates in 2016:

- Friday 11 March 2016
- Friday 18 November 2016

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

Officer Recommendation #3

Finance Committee Provisional Dates for 2016

That the Finance Committee of Council intends to meet at 10:00am in the Shire of Yalgoo Council Chambers on the following dates in 2016:

- Friday 13 May 2016
- Friday 15 July 2016

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

11.4.2 Minutes of the Electors’ and Rate Payers Meeting 4 December 2015

File:	
Author:	Dominic Carbone, ACEO
Interest Declared:	No interest to disclose
Date:	12 December 2015
Attachments (yellow)	P1 Minutes of the Electors’ and Rate Payers Meeting held on 4 December 2015 at Paynes Find

Matter for Consideration

To receive the minutes of the Electors’ and Rate Payers Meeting held on Friday 4 December 2015 at Paynes Find Community Centre and Council to consider requests from the electors and rate payers contained in the minutes.

Background

An Electors’ general meeting was originally scheduled for the 4 December 2015 at Paynes Find but was deferred as an Annual Report is yet to be presented to Council comprising the:

- President’s Report;
- Chief Executive Officer Report;
- Financial Report for the 2014-2015 financial year; and
- Audit Report for the 2014-2015 financial year.

The Electors’ general meeting was therefore deferred and an informal meeting of electors’ and rate payers of Paynes Find was held in its place.

Statutory Environment

Local Government Act 1995

s.5.27 Electors’ general meetings

- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

s.5.53 Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - (f) the financial report for the financial year; and
 - (h) the auditor’s report for the financial year; and

s.5.54 Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.
- (2) If the auditor’s report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.

s.5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Business Implications

Strategic Community Plan	Nil
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Could have budgeting implications.

Consultation

Nil

Comment

The minutes of the meeting detail the requests and concerns of the electors and rate payers that attended the meeting, where possible appropriate responses were provided by the Council. The following matters require further consideration by the Council.

- The re allocation of \$45,000 incorporated in the 2015-2016 Annual Budget for the construction of a fence at Paynes Find Airstrip to another project.

The Paynes Find local community are advised that the Council is prepared to consider any proposals submitted by them at its Annual Budget Review to be conducted in January 2016.

• **Airport training:**

Aerodrome Management Services Pty Ltd (AMS) were contacted and course time table for 2016 is as follows:

More than 5 attendees, on the onsite course is recommended.

The course fees are \$2,300 per person and \$8,300 for an onsite course plus travel and accommodation.

Dates	Availability
2016	
02-05 Feb	3 places left
01-04 Mar	
05-08 Apr	
03-06 May	
07-10 June	
05-08 July	
02-05 Aug	
06-09 Sept	
04-07 Oct	
01-04 Nov	
06-09 Dec	

- **Roadhouse lighting:**

That the Chief Executive Officer investigate the matter and present a report to Council for further consideration.

- **Day Tourist Parking:**

That the Chief Executive Officer investigate the matter and present a report to Council for further consideration.

- **Road Signs:**

A road sign audit has been conducted for the Maranalgo Road by Core Business. Shire officers have obtained quotations. Chief Executive Officer to give consideration to the quotes received in January 2016 and places an order.

- **Paynes Find Beautification Project:**

That the Chief Executive Officer investigate the matter and present a report to Council for further consideration.

Voting Requirements

Simple Majority

Officer Recommendation

Minutes of the Electors’ and Rate Payers Meeting 4 December 2015

That Council:

1. Receive the Minutes of the Electors’ and Rate Payers Meeting held at Paynes Find on 4 December 2015; and
2. Provide a copy of Report No 11.4.2 - Minutes of the Electors’ and Rate Payers Meeting to Ms Gail Pilmoor for distribution to the residents of Paynes Find.

Moved:

Seconded:

Motion put and carried/lost

11.4.4 Extraordinary Election

File:	
Author:	Dominic Carbone, ACEO
Interest Declared:	No interest to disclose
Date:	12 December 2015
Attachments	P4 Memorandum of the Acting Chief Executive Officer dated 4 December 2015
(yellow)	P5 Memorandum of the Shire President dated 4 December 2015

Matter for Consideration

To inform the Council that a date has been fixed to conduct an Extraordinary Election, to appoint a Returning Officer, to determine the method of conducting an election and a requirement for a new electoral roll.

Background

An advice has been received on 4 November 2015 from Cr Adam Fawkes, stating that he resigned from the position of Councillor on the basis that he now resides in Carnamah.

Statutory Environment

Local Government Act 1995

S 2.31 Resignation

- (1) An elector mayor or president may resign from the office of mayor or president.
- (2) A councillor may —
 - (a) resigns from the office of councillor;
 - (b) resigns from the office of councillor mayor or president, deputy mayor or deputy president.
- (3) Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.
- (4) The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.

S 2.32 How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

- (a) dies;
- (b) resigns from the office;
- (c) does not take the oath or affirmation, and make the declaration, required by section 2.29
- (1) Within 2 months after being declared elected to the office;
 - (d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by a court of summary jurisdiction acting on an application under section 2.27;
 - (e) becomes the holder of any office or position in the employment of the local government; or
 - (f) having been elected to an office of councillor is elected by the electors to the office of mayor or president of the council.

Division 4 — Extraordinary elections

S 4.8

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 or 2.33 an election to fill the office is to be held.
- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.
- (3) An election under this section is called an “extraordinary election”.

S 4.9 Election day for extraordinary election

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
 - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph or
 - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The Election Day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
 - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
 - (b) advises the CEO of the day fixed.

s.4.20 CEO to be returning officer unless other arrangements are made

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for an election.

** Absolute majority required.*

- (3) An appointment under subsection (2) has no effect if it is made after the 70th day before election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election.

** Special majority required.*

- (5) A declaration under subsection (4) has no effect if it is made after the 70th day before election day.
- (6) A declaration made under subsection (4) on or before the 70th day before election day cannot be rescinded after that 70th day

s 4.37 Stage 1 — Preparing the electoral roll New roll for each election

- (1) An electoral roll is to be prepared for the election.
- (2) If the district is not divided into wards the same electoral roll can be used for the election of an elector mayor or president and the election of a councillor or councillors. 103 No. 74] Local Government Act 1995 s. 4.38
- (3) A new electoral roll need not be prepared for the election if —
 - (a) it is an extraordinary election the election day for which is less than 50 days after the election day for another election; and
 - (b) the CEO, with the approval of the Electoral Commissioner, decides that the roll that was used for the earlier election is suitable for use at the extraordinary election.

S 4.38 What the roll consists of

- (1) The electoral roll for the election is to consist of a residents roll and an owners and occupiers roll but these can be consolidated for the purposes of the election in accordance with regulations.
- (2) Regulations are to include provisions about the form of rolls (e.g. consolidated rolls, district rolls, ward rolls, combined ward rolls), the details that they are to contain and the arrangement of those details, and can provide for cases in which details may be omitted for the protection of an elector or his or her family.

S 4.39 Close of enrolments

- (1) In order to be included on the electoral roll for the election a person must be an elector of the district or ward, as the case requires, as at 6 p.m. on the 50th day before election day (the “close of enrolments”).
- (2) On or after the 70th day, but not later than on the 56th day, before Election Day the CEO is to give State wide public notice of the time and date of the close of enrolments. 104 Local Government Act 1995 [No. 74 s. 4.40]
- (3) The notice is to give details of the steps that a person can take to become an elector before the close of enrolments [i.e. enrolling as an elector for the Legislative Assembly in respect of a residence in the district or ward (section 4.29) or making an enrolment eligibility claim in respect of the district or ward (sections 4.30 and 4.32)].
- (4) If, under section 4.37 (3), a previous electoral roll is going to be used for the election, no notice is to be published under subsection (2).

S 4.40 Residents roll

- (1) Subject to section 4.37 (3), on or before the 56th day before Election Day, the CEO is to advise the Electoral Commissioner of the need to prepare a residents roll for the election.
- (2) On or before the 36th day before Election Day, the Electoral Commissioner is to prepare a residents roll for the election and forward a copy of it to the CEO.
- (3) The residents roll is to include the names of all persons who were electors of the district or ward under section 4.29 at the close of enrolments and is to be certified to that effect by the Electoral Commissioner.

S 4.41 Owners and occupiers roll

- (1) On or before the 36th day before Election Day, the CEO is to prepare an owners and occupiers roll for the election.
- (2) The owners and occupiers roll is to include the names of all persons who were electors of the district or ward under section 4.30 at the close of enrolments, and is to be certified to that effect by the CEO.

S 4.47 Stage 2 – Nomination of candidates Call for nominations

- (1) State wide public notice calling for nominations of candidates for the election is to be given by the returning officer on or after the 56th day, but not later than on the 45th day, before Election Day.
- (2) The notice calling for nominations is to specify —
 - (a) the kind of election to be held and the vacancy or vacancies to be filled;
 - (b) the place where nominations may be delivered or sent (the “nomination place”);
 - (c) the period within which nominations have to be delivered or sent; and
 - (d) any other arrangements made for the receipt by the returning officer of nomination

S 4.61 Choice of methods of conducting the election

- (1) The election can be conducted as a — “postal election” which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or “voting in person election” which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election. * Special majority required. 114 Local Government Act 1995 [No. 74 s. 4.62
- (3) A decision under subsection (2) has no effect if it is made after the 70th day before election day.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20 (4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
- (5) A decision made under subsection (2) on or before the 70th day before election day cannot be rescinded after that 70th day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election

Business Implications

Strategic Community Plan	Maintain a full complement of elected members
Corporate Business Plan	Maintain a full complement of elected members
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Additional expenditure to be incurred to conduct an extraordinary election

Consultation

Nil

Comment

The Acting Chief Executive Officer requested that the Shire President decide on and fix a day when the Extraordinary Election is to be held, this determination is to be within one month after the vacancy occurs. In accordance with Section 4.9 of the Local Government Act 1995, the Shire President determined that the Extraordinary Election will be held on Saturday 27 February 2016. The date set for the election will allow for the requirements to be met inclusive of the calling of nominations being on or after the 56th day but not later than the 45th day before the election.

As the extraordinary election day is more than 100 days after the election day of the Ordinary Election, held on 17 October 2015, Section 4.37 of the Local Government Act 1995 requires that a new roll for the extraordinary election be prepared.

In accordance with Section 4.40 of the Local Government Act 1995, the Chief Executive Officer is to advise the Electoral Commission of the need to prepare a residents roll for the election.

Section 4.20 of the Local Government Act 1995, states that the Chief Executive Officer is the Returning Officer of a local government for each election.

The extraordinary election is to be held as a “voting in person election” in accordance with Section 4.61 of the Local Government Act 1995.

Voting Requirements

Simple Majority

Officer Recommendation

Extraordinary Election

That Council:

1. **Receive the information in relation to the holding of the Extraordinary Election as determined by the Shire President pursuant to Section 4.9 of the Local Government Act 1995 being Saturday 27 February 2016;**
2. **Determine that the Extraordinary Election to be held is a “voting in person election”;**
3. **Confirms that the Chief Executive Officer be the Returning Officer for the Extraordinary Election; and**
4. **Advises the Electoral Commission via the Chief Executive Officer of a need to prepare a residents roll for the Extraordinary Election.**

Moved:

Seconded:

Motion put and carried/lost

11.4.5 Purchase of TV for the Gold Battery at Paynes Find.

File:	
Author:	Dominic Carbone, ACEO
Interest Declared:	No interest to disclose
Date:	12 December 2015
Attachments (yellow)	

Matter for Consideration

Purchase of a TV for the Gold Battery at Paynes Find.

Background

A request has been received from Ms Gail Pilmoor on behalf of the Paynes Find Gold Battery and Tourist Centre for Council to fund the purchase of a TV at the Community’s museum at the Paynes Find Gold Battery and Tourist Centre. Currently a very small old TV is being used which is viewed by families and individual tourists and a variety of groups including school groups when viewing a video about the history of gold and Paynes Find.

The Paynes Find Gold Battery is a privately run facility which provides a tourist destination for Paynes Find.

Statutory Environment

Local Government Act 1995

s.6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

Absolute majority required.

Business Implications

Strategic Community Plan	Nil
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Incurring of additional expenditure not incorporated in the 2015-2016 Annual Budget

Consultation

Nil

Comment

Council is requested to give consideration to the request to purchase a TV for the Paynes Find Gold Battery and Tourist Centre.

11.4.6 Shire of Esperance Recovery Effort

File:	
Author:	Dominic Carbone, ACEO
Interest Declared:	No interest to disclose
Date:	12 December 2015
Attachments	P6 WALGA Infopage (yellow)

Matter for Consideration

Making a donation to the Shire of Esperance Recovery Effort.

Background

An information bulletin received from the West Australian Local Government Association (WALGA) details how assistance may be offered to the Shire of Esperance in its recovery effort:

- Financial contributions to fund recovery efforts; and for
- Provision of staff resources with experience in disaster recovery.

Statutory Environment

Local Government Act 1995

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

Business Implications

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

Consultation

Nil

Comment

The Council is requested to give consideration to making a donation to the Shire of Esperance Recovery Effort.

Account No E041065 – Members Donations has the sum of \$2,000 allocated in the 2015-2016 Annual Budget, with no funds expended to date.

Last year the following donations were made:

- | | |
|--|------------|
| • Meekatharra School of the Air | \$1,000.00 |
| • Grade 7 Graduation | \$90.00 |
| • Isolated Children Association of Western Australia | \$500.00 |
| • Royal Flying Doctor Service | \$80.00 |

Voting Requirements

Simple Majority

Officer Recommendation

Shire of Esperance Recovery Effort

That Council:

- 1. Approves a donation of \$.....to the Shire of Esperance Recovery Effort to be charged to Account No E041065 – Member Donations;
or**
- 2. That no donation be made to the Shire of Esperance Recovery Effort.**

Moved:

Seconded:

Motion put and carried/lost

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

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

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

Local Government Act 1995

s5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,

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

- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government’s property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971 ; and
- (h) such other matters as may be prescribed.

- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

s5.92 Access to information by council, committee members

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

s5.93. Improper use of information

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

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007

s6. Use of information

- (1) In this regulation —
 - closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
 - confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
 - non-confidential document means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
 - (a) information that the council member derived from a confidential document; or
 - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
 - (a) at a closed meeting; or

- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Friday 22 January 2016 commencing at 10.00 am.

16. MEETING CLOSURE

DECLARATION

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

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