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

No responsibility whatsoever is implied or accepted by the Shire of Yalgoo for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Yalgoo disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person’s or legal entity’s own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Yalgoo during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Yalgoo. The Shire of Yalgoo warns that anyone who has an application lodged with the Shire of Yalgoo must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Yalgoo in respect of the application.
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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 in 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”

Coincidently 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

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

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C2019-0401</td>
<td>Minutes of the Ordinary Meeting</td>
</tr>
</tbody>
</table>

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**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C2019-0402</td>
<td>Minutes of the Special Meeting of Council</td>
</tr>
</tbody>
</table>

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


<table>
<thead>
<tr>
<th>Author:</th>
<th>Dominic Carbone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Declared:</td>
<td>No interest to disclose</td>
</tr>
<tr>
<td>Date:</td>
<td>16 April 2019</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>

Matter for Consideration

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:

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

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:

<table>
<thead>
<tr>
<th>By Program</th>
<th>2018-19 ANNUAL BUDGET</th>
<th>2018/19 MARCH ACTUAL</th>
<th>VARIANCE FAV (UNFAV)</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000000- Machinery Shed Depot</td>
<td>L &amp; B</td>
<td>7,393</td>
<td>6,230</td>
<td>1,163 completed minor saving</td>
</tr>
<tr>
<td>000000- Flood Control - Fuel Station</td>
<td>L &amp; B</td>
<td>11,410</td>
<td>11,099</td>
<td>401 completed minor saving</td>
</tr>
<tr>
<td>000000- Depot - Electric Boundary Fence and Gate</td>
<td>L &amp; B</td>
<td>6,700</td>
<td>6,700</td>
<td>0 completed</td>
</tr>
<tr>
<td>000000- Water Cart Modifications</td>
<td>P &amp; E</td>
<td>10,000</td>
<td>0</td>
<td>10,000 completed</td>
</tr>
<tr>
<td>000000- Motor Vehicle Foreman</td>
<td>P &amp; E</td>
<td>68,722</td>
<td>76,723</td>
<td>(8,001) completed minor over expenditure</td>
</tr>
<tr>
<td>000000- Motor Vehicle Works Hilux</td>
<td>P &amp; E</td>
<td>49,000</td>
<td>0</td>
<td>49,000 completed</td>
</tr>
<tr>
<td>000000- Generator 4.5kva</td>
<td>P &amp; E</td>
<td>4,290</td>
<td>0</td>
<td>4,290 completed</td>
</tr>
<tr>
<td>000000- Generator 6.0kva with Fuel Tank</td>
<td>P &amp; E</td>
<td>9,500</td>
<td>9,500</td>
<td>0 completed</td>
</tr>
<tr>
<td>000000- Transfer Pump</td>
<td>P &amp; E</td>
<td>6,200</td>
<td>6,200</td>
<td>0 completed</td>
</tr>
<tr>
<td>000000- Paynes Find Airstrip Fence</td>
<td>Other</td>
<td>45,000</td>
<td>0</td>
<td>45,000 completed</td>
</tr>
<tr>
<td>000000- Paynes Find Beautification</td>
<td>Other</td>
<td>18,656</td>
<td>0</td>
<td>18,656 completed</td>
</tr>
<tr>
<td>ROADS TO RECOVERY GRANTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000000- Yalgoo/Morawa Road - Widen to 7m</td>
<td>Roads</td>
<td>544,968</td>
<td>500,000</td>
<td>44,968 in progress</td>
</tr>
<tr>
<td>RRG SPECIAL GRANT RD WORKS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000000- Yalgoo/Ninghan Road - Seal to width 4m</td>
<td>Roads</td>
<td>300,000</td>
<td>314,500</td>
<td>(14,500) in progress</td>
</tr>
<tr>
<td>MUNICIPAL FUND</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000000- North Road - Crossing</td>
<td>Roads</td>
<td>10,000</td>
<td>3,000</td>
<td>7,000 in progress</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>By Program</th>
<th>2018-19 ANNUAL BUDGET</th>
<th>2018/19 MARCH ACTUAL</th>
<th>VARIANCE FAV (UNFAV)</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0000000-Caravan Park - Washing Machine and Dryer</td>
<td>F &amp; E</td>
<td>3,200</td>
<td>6,240</td>
<td>(3,040) completed over expenditure</td>
</tr>
<tr>
<td>0000000- Shelter and Seating Jokker Tunnel</td>
<td>L &amp; B</td>
<td>4,054</td>
<td>0</td>
<td>4,054 quotations received and deposit paid</td>
</tr>
<tr>
<td>0000000- Shelter and Visitors Board at Railway Station</td>
<td>L &amp; B</td>
<td>4,054</td>
<td>0</td>
<td>4,054 quotations received and deposit paid</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>$</th>
<th>YTD $</th>
<th>$</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>2,223,003</td>
<td>1,870,329</td>
<td>352,674</td>
<td></td>
</tr>
</tbody>
</table>

The CEO to provide a verbal update on the status of the capital projects as at 31 MARCH 2019.
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
Moved: Cr Gregory Payne Seconded: Cr Tamisha Hodder Motion put and carried: 4/0
11.1.2 Technical Services Monthly Report 31 March 2019

<table>
<thead>
<tr>
<th>Author:</th>
<th>Ray Pratt, Works Foreman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Declared:</td>
<td>No interest to disclose</td>
</tr>
<tr>
<td>Date:</td>
<td>24 April 2019</td>
</tr>
<tr>
<td>Attachments</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Matter for Consideration


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 Rage
- 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 is will be held during the work week not the weekend.

OFFICER RECOMMENDATION / COUNCIL DECISION
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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Author:</td>
<td>Dominic Carbone</td>
</tr>
<tr>
<td>Interest Declared:</td>
<td>No interest to disclose</td>
</tr>
<tr>
<td>Date:</td>
<td>16 April 2019</td>
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<tr>
<td>Attachments</td>
<td>Nil</td>
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</tbody>
</table>

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:
<table>
<thead>
<tr>
<th>_ID</th>
<th>Creditor's Name</th>
<th>Cheque Date</th>
<th>Invoice Details</th>
<th>Total Amount Due</th>
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<tbody>
<tr>
<td>1487*2019</td>
<td>MCDONALDS WHOLESALERS</td>
<td>26/03/2019</td>
<td>SUNDRY ITEMS FOR CARAVAN PARK</td>
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<td>Progress payment -Sports Oval Development</td>
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<td>Staff Training- Gaye Dennison:ACCOMMODATION AND MEALS 17TH &amp; 18TH</td>
<td>431.00</td>
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<td>1379*2019</td>
<td>THE GOOD GUYS GERALDTON</td>
<td>26/03/2019</td>
<td>2 X KBM 5302 WA/R Fridges &amp; 1 x HCF 524 W2 Freezer</td>
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<td>1311*2019</td>
<td>HODDER, TAMISHA</td>
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<td>645.67</td>
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<tr>
<td>1220*2019</td>
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<tr>
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<td>BRENZI, Silvio</td>
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<tr>
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<td>Pratt, Ray</td>
<td>26/03/2019</td>
<td>Reimbursement - Keys cut for Public Amenities</td>
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<tr>
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<tr>
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<td>19/03/2019</td>
<td>Wild Dog Bounty</td>
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<tr>
<td>1509*2019</td>
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<td>19/03/2019</td>
<td>SUPPLY (3) SET TOP BOX</td>
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<td>1501*2019</td>
<td>ST JOHN AMBULANCE WA LTD</td>
<td>19/03/2019</td>
<td>Snakebite Bandages (60)</td>
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<td>SIMPSON, PHYLLIS</td>
<td>19/03/2019</td>
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<td>7.50</td>
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<tr>
<td>1423*2019</td>
<td>EVENT ART TENTS - EMMALINE JAMES</td>
<td>19/03/2019</td>
<td>Art Supplies for Art Centre</td>
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<tr>
<td>1412*2019</td>
<td>PRATT, HELEN</td>
<td>19/03/2019</td>
<td>Payment - Sale of Art Work ( Birthday Card)</td>
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<td>1284*2019</td>
<td>DEPARTMENT OF MINES, INDUSTRY REGULATIONS &amp; SAFETY</td>
<td>19/03/2019</td>
<td>Building Permit Fee</td>
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<td>1240*2019</td>
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<td>1210*2019</td>
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<td>Invoice Details</td>
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<td>19/03/2019</td>
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<td>Electrical Repairs - RCD Fault at Caravan Park</td>
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<td>1040*2019</td>
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<td>19/03/2019</td>
<td>Ranger Service 10 &amp; 14 March 2019</td>
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<tr>
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<td>1508*2019</td>
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<td>SUPPLY 1 200 LTS TANK &amp; PUMP - Paynes Find</td>
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<tr>
<td>1487*2019</td>
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<td>11/03/2019</td>
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<td>Survey Costs - PaynesFind - Boundary Staking of RES 40170</td>
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<td>Advertising Midwest Time - March 2019 Change of Date of Annual General Meeting of Electors</td>
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<td>Valuations - Mining Tenements</td>
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<td>Ranger Service - 28 February 2019</td>
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<td>WORKSHOP SUPPLIES: Depot</td>
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<td>CARNAMAH, PATRICIA</td>
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<td>National Police Check</td>
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<tr>
<td>_ID</td>
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<tr>
<td>-------</td>
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<td>---------------------------------------------------------------------------------</td>
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<tr>
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<td>Reimbursement –YA 1000 Rubber Mat for Tool Box</td>
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<td>Midwest Chemical &amp; Paper</td>
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<td>CLEANING SUPPLIES FOR SHIRE BUILDINGS</td>
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</tr>
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<td>Mick Davey Butchers</td>
<td>1/03/2019</td>
<td>BBQ Packs for Australia Day</td>
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<td>J R &amp; A Hersey</td>
<td>1/03/2019</td>
<td>SUNDRY SUPPLIES FOR DEPOT AS PER ORDER 44763 SUNDRY SUPPLIES FOR DEPOT AS PER ORDER 44764 SUNDRY SUPPLIES AS PER ORDER 44765</td>
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<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>443,667.28</strong></td>
</tr>
</tbody>
</table>
Voting Requirements
Simple Majority

<table>
<thead>
<tr>
<th>OFFICER RECOMMENDATION / COUNCIL DECISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>C2019-0405  Accounts for Payment March 2019</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Author</th>
<th>Dominic Carbone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Declared</td>
<td>No interest to disclose</td>
</tr>
<tr>
<td>Date</td>
<td>16 April 2019</td>
</tr>
<tr>
<td>Attachments</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>INSTITUTIONS</th>
<th>SHORT TERM RATING</th>
<th>INVESTMENT TYPE</th>
<th>ACCOUNT Nº</th>
<th>TERM</th>
<th>DATE OF TRANSACTION</th>
<th>DATE OF MATURITY</th>
<th>INTEREST RATE</th>
<th>PRINCIPAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MUNICIPAL FUND</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAB</td>
<td>N/A</td>
<td>Operating a/c 50-832-4520</td>
<td>Ongoing</td>
<td>N/A</td>
<td>N/A</td>
<td>Variable</td>
<td>$1,354,428.96</td>
<td></td>
</tr>
<tr>
<td>NAB</td>
<td>N/A</td>
<td>Cash Maximiser 86-538-7363</td>
<td>Ongoing</td>
<td>N/A</td>
<td>N/A</td>
<td>Variable</td>
<td>$41,269.38</td>
<td></td>
</tr>
<tr>
<td>NAB</td>
<td>N/A</td>
<td>Term Deposit 89-977-1574</td>
<td>2 months</td>
<td>30 day</td>
<td>25.03.2018</td>
<td>24.06.2019</td>
<td>2.47%</td>
<td>$63,942.59</td>
</tr>
<tr>
<td>NAB</td>
<td>N/A</td>
<td>Short Term Investment 24-831-4222</td>
<td>Ongoing</td>
<td>N/A</td>
<td>N/A</td>
<td>Variable</td>
<td>$52,023.65</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,511,664.58</td>
</tr>
<tr>
<td><strong>RESERVE FUNDS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAB</td>
<td>N/A</td>
<td>Term Deposit 97-511-4454</td>
<td>2 months</td>
<td>30 day</td>
<td>25.03.2019</td>
<td>24.06.2019</td>
<td>2.47%</td>
<td>$165,607.88</td>
</tr>
<tr>
<td>NAB</td>
<td>N/A</td>
<td>Term Deposit 89-972-5236</td>
<td>2 months</td>
<td>30 day</td>
<td>25.03.2019</td>
<td>24.06.2019</td>
<td>2.47%</td>
<td>$459,700.53</td>
</tr>
<tr>
<td>NAB</td>
<td>N/A</td>
<td>Term Deposit 11-186-3992</td>
<td>2 months</td>
<td>30 day</td>
<td>25.03.2019</td>
<td>25.03.2019</td>
<td>2.47%</td>
<td>$1,096,633.68</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,721,942.09</td>
</tr>
<tr>
<td><strong>TRUST</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAB</td>
<td>N/A</td>
<td>Trust a/c 50-832-4559</td>
<td>Ongoing</td>
<td>N/A</td>
<td>N/A</td>
<td>Variable</td>
<td>$21,738.51</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$21,738.51</td>
</tr>
</tbody>
</table>

### INVESTMENT REGISTER

**01 JULY 2018 TO 31 MARCH 2019**

<table>
<thead>
<tr>
<th>ACCOUNT Nº</th>
<th>DATE OF MATURITY</th>
<th>INTEREST RATE</th>
<th>OPENING BALANCE</th>
<th>INTEREST EARNED TO 31.03.2019</th>
<th>INVESTMENT TRANSFERS</th>
<th>CLOSING BALANCE 31.03.2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>86-538-7363</td>
<td>Ongoing</td>
<td>Variable</td>
<td>$41,141.54</td>
<td>$127.84</td>
<td>0</td>
<td>$41,269.38</td>
</tr>
<tr>
<td>89-977-1574</td>
<td>25.06.2019</td>
<td>2.47%</td>
<td>$62,683.84</td>
<td>$1,258.75</td>
<td>0</td>
<td>$63,942.59</td>
</tr>
<tr>
<td>24-831-4222</td>
<td>Ongoing</td>
<td>Variable</td>
<td>$51,862.49</td>
<td>$161.16</td>
<td>0</td>
<td>$52,023.65</td>
</tr>
<tr>
<td>97-511-4454</td>
<td>24.06.2019</td>
<td>2.47%</td>
<td>$162,347.79</td>
<td>$3,260.09</td>
<td>0</td>
<td>$165,607.88</td>
</tr>
<tr>
<td>89-972-5236</td>
<td>24.06.2019</td>
<td>2.47%</td>
<td>$450,651.08</td>
<td>$9,049.45</td>
<td>0</td>
<td>$459,700.53</td>
</tr>
<tr>
<td>11-186-3992</td>
<td>25.03.2019</td>
<td>2.7%</td>
<td>$1,075,045.84</td>
<td>$21,587.84</td>
<td>0</td>
<td>$1,096,633.68</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Author:</th>
<th>Dominic Carbone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Declared:</td>
<td>No interest to disclose</td>
</tr>
<tr>
<td>Date:</td>
<td>16 April 2019</td>
</tr>
<tr>
<td>Attachments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Statement of Comprehensive Income ending the 31 March 2019;</td>
</tr>
<tr>
<td></td>
<td>• Financial Activity Statement; ending 31 March 2019</td>
</tr>
<tr>
<td></td>
<td>• Summary of Current Assets and Current Liabilities as of 31 March 2019;</td>
</tr>
<tr>
<td></td>
<td>• Statement of Current Financial Position as at 31 March 2019;</td>
</tr>
<tr>
<td></td>
<td>• Detailed worksheets;</td>
</tr>
<tr>
<td></td>
<td>• Other Supplementary Financial Reports:</td>
</tr>
<tr>
<td></td>
<td>o Reserve Funds;</td>
</tr>
<tr>
<td></td>
<td>o Loan Funds;</td>
</tr>
<tr>
<td></td>
<td>o Trust Fund</td>
</tr>
</tbody>
</table>

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


That Council:


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.

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>ITEM REFERENCE</th>
<th>RESOLUTION</th>
<th>CURRENT STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 Mar 17</td>
<td>Under-taking a Review of the Shire of Yalgoo Policies</td>
<td>That the CEO under-take a review of the Shire Policies over the next three months</td>
<td>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. 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.</td>
</tr>
<tr>
<td>MEETING DATE</td>
<td>ITEM REFERENCE</td>
<td>RESOLUTION</td>
<td>CURRENT STATUS</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>28 July 2017</td>
<td>Review of Local Laws</td>
<td>Council authorised the CEO to implement a review of Local Laws</td>
<td>Third quote received Needs to be allocated in the Budget</td>
</tr>
<tr>
<td>23 March 2018</td>
<td>Application for a prospecting licence</td>
<td>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.</td>
<td>Confirmation received from the Department of Mining and Petroleum advising that a lease can be held by the Shire. Paperwork is being completed need to wait 21 days to resubmit application.</td>
</tr>
<tr>
<td>26 October 2018</td>
<td>Shire of Yalgoo Tourism Advisory Committee</td>
<td>Council resolved to establish the Advisory Committee and appointed the CEO and Crs. Gail Trenfield and Tamisha Hodder</td>
<td>A public submission has been received and will be presented at this meeting, still waiting on DBCA on the involvement</td>
</tr>
<tr>
<td>31 January 2019</td>
<td>House Safety of Lot 220, 82 Piesse Street Yalgoo</td>
<td>That Council Requests the CEO to investigate the safety of the house owed by Timothy Simpson and Gloria Merry at lot 220, 82 Piesse Street, Yalgoo.</td>
<td>EHO has planned an inspection for the April visit, a comprehensive report and recommendation be provided to the CEO</td>
</tr>
<tr>
<td>23 February 2019</td>
<td>Administrative Policy – Christmas Gifts for Children residing in Yalgoo</td>
<td>The Consultants LG People and Culture Workforce and Management Services to prepare draft Policy.</td>
<td>LG People have been advised of Councils decision from February. Work will now commence on drafts.</td>
</tr>
<tr>
<td>22 March 2019</td>
<td>Yalgoo and Paynes Find Landfill Site</td>
<td>1) That the CEO prepare a report detailing the schedule of works required to be undertaken to bring the Yalgoo and Paynes Find Landfill sits 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.</td>
<td>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.</td>
</tr>
</tbody>
</table>
Voting Requirements
Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION
C2019-0408 Report on Matters Outstanding as at 16 April 2019
That Council:

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

<table>
<thead>
<tr>
<th>Author:</th>
<th>Dominic Carbone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Declared:</td>
<td>No interest to disclose</td>
</tr>
<tr>
<td>Date:</td>
<td>17 April 2019</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Letter dated 7 April 2019 from Midwest Group of Affiliated Agricultural Societies</td>
</tr>
</tbody>
</table>

**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

**Introduction**
From time to time, requests are received for Council to donate to particular causes or events, or to support individuals financially.

**Objective**
To establish a framework for the consideration of requests for donations, sponsorship or in-kind support

**History**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopted</td>
<td>15 May 2008</td>
</tr>
<tr>
<td>Former Policy</td>
<td>4.10</td>
</tr>
<tr>
<td>Amended/confirmed</td>
<td>21 August 2008</td>
</tr>
</tbody>
</table>

**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

**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

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.

<table>
<thead>
<tr>
<th>Author:</th>
<th>Dominic Carbone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Declared:</td>
<td>No interest to disclose</td>
</tr>
<tr>
<td>Date:</td>
<td>17 April 2019</td>
</tr>
<tr>
<td>Attachments</td>
<td>- Conference Brochure</td>
</tr>
<tr>
<td></td>
<td>- Policy 3.2 – Conference and Training – Attendance and Expenses</td>
</tr>
</tbody>
</table>

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 31st July to 2nd 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)

Total $3,300

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 types 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

<table>
<thead>
<tr>
<th>OFFICER RECOMMENDATION</th>
</tr>
</thead>
</table>

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\textsuperscript{th} June 2018

<table>
<thead>
<tr>
<th>Author:</th>
<th>Dominic Carbone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Declared:</td>
<td>No interest to disclose</td>
</tr>
<tr>
<td>Date:</td>
<td>18 April 2019</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
</tbody>
</table>

**Matter for Consideration**

That Council give consideration to the Significant Audit Findings for the year 30\textsuperscript{th} 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**

1. 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.

2. 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\textsuperscript{th} 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 relation 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 Journaled 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.

<table>
<thead>
<tr>
<th>Author:</th>
<th>Dominic Carbone</th>
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<tr>
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<td>No interest to disclose</td>
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<tr>
<td>Date:</td>
<td>22 April 2019</td>
</tr>
<tr>
<td>Attachments</td>
<td>Email dated 15 April 2019 from EMR Golden Grove</td>
</tr>
</tbody>
</table>

**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) 9.]

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.
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 employee 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 move 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 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

<table>
<thead>
<tr>
<th>Author:</th>
<th>Dominic Carbone</th>
</tr>
</thead>
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<tr>
<td>Interest Declared:</td>
<td>No interest to disclose</td>
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<tr>
<td>Date:</td>
<td>17 April 2019</td>
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<tr>
<td>Attachments:</td>
<td>Nil</td>
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</table>

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.