

Special Meeting of Council 2 March 2017



SHIRE OF ASHBURTON

**SPECIAL MEETING OF COUNCIL
MINUTES**

(Public Document)

Council Chambers, Community Recreation Centre, Tom Price

1 March 2017

6.30 pm

Special Meeting of Council 2 March 2017

SHIRE OF ASHBURTON
SPECIAL MEETING OF COUNCIL

Dear Councillor

Notice is hereby given that a Special Meeting of Council of the Shire of Ashburton will be held on 1 March 2017 at Council Chambers, Community Recreation Centre, Tom Price commencing at 6:30.pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.

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1. DECLARATION OF OPENING

The Shire President declared the meeting open at 6.30 pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders both past and present.

2. ANNOUNCEMENT OF VISITORS

There no visitors or public in attendance.

3. ATTENDANCE

3.1 PRESENT

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr P Foster	Tom Price Ward
Cr M Lynch	Tom Price Ward
Cr D Diver	Tom Price Ward

3.2 APOLOGIES

Cr D Dias	Paraburdoo Ward
Cr G Dellar	Ashburton Ward
Cr M Gallanagh	Pannawonica Ward

3.3 APPROVED LEAVE OF ABSENCE

There were no approved leave of absences.

4. PUBLIC QUESTION TIME

There were no public questions.

5. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

There were no announcements by the Presiding Person.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

That Councillors White, Rumble, Thomas, Foster, Lynch and Diver have given due consideration to all matters contained in the Agenda presently before the meeting.

6.2 DECLARATIONS OF INTEREST

Councillors to Note

Special Meeting of Council 2 March 2017

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting
or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter.

I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

7. BUSINESS

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

(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 any 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 1981; and

(h) such other matters as may be prescribed.

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr L Rumble

That Council close the meeting to the public at 6.35 pm pursuant to sub section 5.23 (2) (a) of the Local Government Act 1995.

CARRIED 6/0

Crs White, Rumble, Thomas, Foster, Lynch and Diver voted for the motion.

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That in order to deal with item 7.1 Confidential Item – Staff Issue as two separate components Council accept that the matter of the CEO’s Annual Performance Appraisal be dealt with first (prior to Agenda Item 7.1).

CARRIED 6/0

Crs White, Rumble, Thomas, Foster, Lynch and Diver voted for the motion.

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That Council considers the following new business of an urgent nature:

- 19.1 CONFIDENTIAL ITEM - CEO ANNUAL PERFORMANCE REVIEW (Ordinary Meeting of Council 14 February 2017).**

**CARRIED BY ABSOLUTE MARJORITY
6/0**

Crs White, Rumble, Thomas, Foster, Lynch and Diver voted for the motion.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council raise Agenda Item 19.1 CONFIDENTIAL ITEM - CEO ANNUAL PERFORMANCE REVIEW (Ordinary Meeting of Council 14 February 2017) from the table.

CARRIED 6/0

Crs White, Rumble, Thomas, Foster, Lynch and Diver voted for the motion.

19.1 CONFIDENTIAL ITEM - CEO ANNUAL PERFORMANCE REVIEW

MINUTE NO: 31

FILE REFERENCE:	GV05
AUTHOR'S NAME AND POSITION:	Not Applicable
NAME OF APPLICANT/RESPONDENT:	Cr Kerry White Shire President
DATE REPORT WRITTEN:	14 February 2017
DISCLOSURE OF FINANCIAL INTEREST:	Not applicable
PREVIOUS MEETING REFERENCE:	Not applicable.

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23 (2)(a).

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Diver

That Council agrees to adopt the CEO's Annual Appraisal Report dated 14 February 2017.

CARRIED 6/0

Crs White, Rumble, Thomas, Foster, Lynch & Diver voted for the motion.

Council Decision

MOVED: Cr L Thomas

SECONDED: Cr D Diver

That Council suspend standing orders to discuss Confidential Agenda Item 7.1 – Staff Issue at 6.45 pm.

**CARRIED BY ABSOLOUTE MAJORITY
6/0**

Crs White, Rumble, Thomas, Foster, Lynch and Diver voted for the motion.

Council Decision

MOVED: Cr L Thomas

SECONDED: Cr D Diver

That Council reinstate standing orders at 7.00 pm.

**CARRIED BY ABSOLOUTE MAJORITY
6/0**

Crs White, Rumble, Thomas, Foster, Lynch and Diver voted for the motion.

7.1 CONFIDENTIAL ITEM - STAFF ISSUE

MINUTE NO:

FILE REFERENCE: GV05

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23 (2)(a).

Cr White tabled a Confidential Schedule – Shire of Ashburton – Employee Matter.

CONFIDENTIAL ATTACHMENT 7.1

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That Council resolve to endorse Option 1 of the Confidential Schedule relating to an employee matter.

CARRIED BY ABSOLOUTE MAJORITY

6/0

Crs White, Rumble, Thomas, Foster, Lynch and Diver voted for the motion.

Council Decision

MOVED: Cr L Thomas

SECONDED: Cr L Rumble

That Council re-open the meeting to the public at 7.09 pm.

CARRIED 6/0

Crs White, Rumble, Thomas, Foster, Lynch and Diver voted for the motion.

There no visitors or public in attendance.

8. NEXT MEETING

The next Ordinary Meeting of Council will be held on 14 March 2017, at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow, commencing at 1.00 pm.

9. CLOSURE OF MEETING

The Shire President closed the meeting at 7.10 pm.