



SHIRE OF COOLGARDIE

MINUTES

OF THE

SPECIAL COUNCIL MEETING

4 OCTOBER 2016

6.00pm

Kambalda

SHIRE OF COOLGARDIE

NOTICE OF ORDINARY MEETING OF COUNCIL

Dear Elected Member

The next ordinary meeting of the Shire of Coolgardie will be held on Tuesday 4 October 2016 in the Kambalda Recreation Centre, KAMBALDA commencing at 6:00pm.

A handwritten signature in black ink, appearing to read 'J O'Brien', is written over a white rectangular background.

JILL O'Brien
ACTING CHIEF EXECUTIVE OFFICER

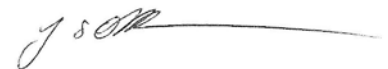
SPECIAL COUNCIL MEETING

4 October 2016

Welcome to the Ordinary Council Meeting of the Shire of Coolgardie.

The dates, times and locations of the Ordinary Council Meetings for 2016 are listed hereunder. This month's meeting is highlighted.

Tuesday	19 January 2016	6.00pm	Coolgardie
Tuesday	23 February 2016	6.00pm	Kambalda
Tuesday	22 March 2016	6.00pm	Coolgardie
Tuesday	26 April 2016	6.00pm	Kambalda
Tuesday	24 May 2016	6.00pm	Coolgardie
Tuesday	28 June 2016	6.00pm	Kambalda
Tuesday	26 July 2016	6.00pm	Coolgardie
Tuesday	23 August 2016	6.00pm	Kambalda
Tuesday	27 September 2016	6.00pm	Coolgardie
Tuesday	25 October 2016	6.00pm	Kambalda
Tuesday	22 November 2016	6.00pm	Coolgardie
Tuesday	20 December 2016	6.00pm	Kambalda



Jill O'Brien
ACTING CHIEF EXECUTIVE OFFICER

DISCLAIMER

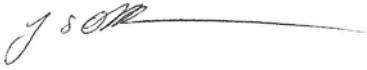
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICERS RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCILS DECISION.

A handwritten signature in cursive script, appearing to read 'J O'Brien', followed by a horizontal line extending to the right.

Jill O'Brien
ACTING CHIEF EXECUTIVE OFFICER

COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Coolgardie and Kambalda Offices/Libraries seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at:

- (a) Every ordinary meeting of a council; and
- (b) Such other meetings of councils or committees as may be prescribed

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b)

Local Government (Administration) Regulations 1996

Reg 5 For the purpose of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

- (a) every special meeting of a council; and
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

- Reg 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

- Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:
- (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members, having regard to the requirements of sub regulations (2) and (3).
- (2) The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in sub regulation (3) requires:
- (a) A council to answer a question that does not relate to a matter affecting the local government;
 - (b) A council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) A committee to answer a question that does not relate to a function of the committee.

10. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Coolgardie and Kambalda Offices/Libraries within ten (10) working days after the Meeting.

NOTE:

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it,
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

TABLE OF CONTENTS / INDEX

ITEM No.	ITEM HEADING	PAGE No.
1.0	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	11
2.0	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	11
	2.1 Present:	
	2.2 Apologies	
	2.3 Approved Leave of Absence:	
3.0	DECLARATIONS OF INTEREST	11
	3.1 <i>Declarations of Financial Interests - Local Government Act Section 5.60A</i>	11
	3.2 <i>Declarations of Proximity Interests - Local Government Act Section 5.60B</i>	11
	3.3 <i>Declarations of Impartiality Interests - Admin Regulation 34C</i>	11
4.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	12
	NIL	
5.0	PUBLIC QUESTION TIME	12
	NIL	
6.0	APPLICATIONS FOR LEAVE OF ABSENCE	14
7.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	14
	NIL	
8.0	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION	14
	NIL	
9.0	PETITIONS/DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	14
	NIL	
10.0	REPORTS OF COMMITTEES	14
	NIL	
11.0	REPORTS OF OFFICERS	14
	NIL	

11.1	GOVERNANCE NIL	14
12.0	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN NIL	15
13.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	
	13.1 <i>ELECTED MEMBERS</i>	15
	13.2 <i>OFFICERS</i>	15
14.0	CONFIDENTIAL ITEMS	15
14.1	<i>Appointment of Acting Chief Executive Officer</i>	15
15.0	CLOSURE OF MEETING	16

1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Deputy President declared the meeting open at 6.00pm and welcome fellow Councillors, visitors, and staff and thanked them for their attendance.

2.0 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 PRESENT:

Cr Tracey Rathbone
Cr Sheryl Botting
Cr Betty Logan
Cr Norm Karafilis
Cr Kathie Lindup

MEMBERS OF STAFF:

HR Officer, Rebecca Horan

MEMBERS OF THE PUBLIC:

Mr, Mark Pettit

2.2 APOLOGIES:

Cr Kris Johnstone

2.3 APPROVED LEAVE OF ABSENCE:

Cr Malcolm Cullen

3.0 DECLARATIONS OF INTEREST

3.1 DECLARATIONS OF FINANCIAL INTERESTS – LOCAL GOVERNMENT ACT SECTION 5.60A

NIL

3.2 DECLARATIONS OF PROXIMITY INTERESTS – LOCAL GOVERNMENT ACT SECTION 5.60B

NIL

3.3 DECLARATIONS OF IMPARTIALITY INTERESTS – ADMINISTRATION REGULATION 34C

NIL

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE

NIL

5.0 PUBLIC QUESTION TIME

Mr Marc Pettit submitted the following:-

I would like to ask why the council is dealing with James Trail after he was sacked from 2x Shires for inappropriate behaviour (investigated by the ACCC) and what he has achieved since he has been here and how much that has already cost?



Shire of Coolgardie

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Irish Mulga Drive, Kambalda WA 6442
Postal Address:
PO Box 138, Kambalda WA 6442

OCR9342

10 October 2016

Mr Marc Pettitt
3 Maculata Street Kambalda
WA 6442

Dear Mr Pettitt,

RE: CORRESPONDENCE AT PUBLIC QUESTION TIME

Thank You for your questions in correspondence to the Special Meeting of Council, Tuesday 4 October 2016 at Kambalda Community Recreation Centre. In response to questions raised, please receive the following:

With the aim to clarify any misunderstandings, Mr James Trail was suspended from the Kalamunda Shire pending further investigations by the CCC. The outcome of this investigation, as of August 2015, had concluded that Mr Trail received a mild penalty fine and a spent conviction; no criminal charges were laid. Under sections 18 and 20 of the Spent Convictions Act, it is unlawful for both current (and potential) employers and/or Contract principals, to discriminate against Mr Trail in regards to this spent conviction.

Mr Trail has been engaged by the CEO of the Coolgardie Shire, on a contractual basis since 2013. He has assisted with the completion internal compliance operations inclusive of governance, risk management, strategic planning, policy development / reviews and other statutory matters.

As part of the annual budget setting process, the Coolgardie Shire Council adopt an allowance for contractual and consultancy services. To date Mr Trail's services have been funded from this account to the total of \$160,000.00.

Tracey Rathbone
Acting President
Coolgardie Shire.

6.0 APPLICATIONS FOR LEAVE OF ABSENCE

NIL

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

NIL

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

NIL

9.0 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

NIL

10.0 REPORTS OF COMMITTEES

NIL

11.0 REPORTS OF OFFICERS

NIL

12.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL

13.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 ELECTED MEMBERS

NIL

13.2 OFFICERS

NIL

14.0 CONFIDENTIAL ITEMS

COUNCIL RESOLUTION: #258/16

MOVED: COUNCILLOR, KATHIE LINDUP

SECONDED: COUNCILLOR, SHERRYL BOTTING

That the meeting be closed to the public at 6.10pm to discuss items 14.1 Appointment of Acting Chief Executive Officer.

CARRIED ABSOLUTE MAJORITY 5/0

AGENDA REFERENCE: 14.1 Appointment of Acting Chief Executive Officer

OFFICER'S RECOMMENDATION:

That Council:

1. Appoint Mr James Trail as the Acting Chief Executive Officer for the Shire of Coolgardie for a one year term under the terms and conditions within the attached Contract of Employment;
2. Endorse the Contract of Employment (attached) between the Shire of Coolgardie and Mr. Trail and approve the Deputy Shire President and the Acting Chief Executive Officer to sign and affix the Common Seal.

COUNCIL RESOLUTION:#259/16

MOVED: COUNCILLOR, KATHIE LINDUP
SECONDED: COUNCILLOR, SHERRYL BOTTING

That Council:

1. Appoint Mr James Trail as the Acting Chief Executive Officer for the Shire of Coolgardie for a one year term under the terms and conditions within the attached Contract of Employment;
2. Endorse the Contract of Employment (attached) between the Shire of Coolgardie and Mr. Trail and approve the Deputy Shire President and the Acting Chief Executive Officer to sign and affix the Common Seal.

CARRIED ABSOULUTE MAJORITY 5/0

COUNCIL RESOLUTION: #260/16

MOVED: COUNCILLOR, BETTY LOGAN
SECONDED: COUNCILLOR, SHERRYL BOTTING

That Council re opened the meeting to the public at 6.29pm

CARRIED ABSOULUTE MAJORITY 5/0

15.0 CLOSURE OF MEETING

Deputy Shire President declared the meeting closed at 6.32pm and thanked all for their attendance