



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 11 DECEMBER, 2014
COMMENCING AT 3.15PM
IN THE YORK TOWN HALL,
YORK**

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON THURSDAY, 11 DECEMBER 2014, COMMENCING AT
3.15PM IN THE YORK TOWN HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

1.1 Declaration of Opening

Cr Matthew Reid, Shire President, declared the meeting open at 10.18am

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

I would like to acknowledge the Balladong People, the Traditional Owners of the land on which we are gathered and pay my respects to their Elders both past and present.

1.3 Suspension of Standing Orders – Clause 3.2 – Order of Business

Motion not Put

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Nil

Disclosure of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

2.1 Members

*Cr Matthew Reid, Shire President; Cr Denese Smythe, Deputy Shire President
Cr Pat Hooper, Cr David Wallace*

2.2 Staff

Graeme Simpson, Acting Chief Executive Officer, Gail Maziuk, Compliance/Human Resources, Anneke Birleson, Customer Service Officer; Tamara Hooper, Administration Officer; Helen D'Arcy-Walker, Executive Support Officer

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 29 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Cr Reid provided the following statement at the commencement of Public Question Time:

Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings

"Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

- Questions submitted in writing prior to the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements, opinions and attachments will not be recorded in the minutes.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions may be deemed inappropriate because they contain defamatory remarks or offensive language, they question the competency of elected members or staff, they relate to the personal affairs of elected members or staff, they relate to legal processes and confidential matters or they have been responded to previously and these will not be accepted or recorded in the Minutes.
- The minutes may only record a summary of the question asked and the response given.
- Where possible questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.

- Shire of York guidelines for Public Question Time are included on the meeting agenda.”

PRESIDING OFFICER

21 October 2013

4.1 Public Question Time – Written Questions – Current Agenda

Nil

4.2 Public Question Time – Current Agenda

Public Question Time commenced at 3.18pm

Ms Tricia Walters

Question:

Is it possible to take Public Question Time after the letter is read?

Response:

Shire President stated he is happy to do so, however it will require a Resolution by Council.

There were no further questions Public Question time was declared closed at 3.18pm.

At 3.23pm the Shire President announced as the Councillors required to read the Appendix to Item 9.2.1 the meeting would recommence in 15 minutes time.

Councillors completed reading the document at 3.47pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATION / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

REPORTS

9. MATTERS FOR RESOLUTION

10. CLOSURE

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Show Cause Notice

FILE NO: OR.CMA.5
COUNCIL DATE: 11 December 2014
REPORT DATE: 11 December 2014
LOCATION/ADDRESS: Shire of York
SENIOR OFFICER: G Simpson, A/CEO
REPORTING OFFICER: G Simpson, A/CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Shire of York Response to Show Cause Notice
[Section 8.15B (1)] – *Local Government Act 1995*
(LGA), Made Pursuant to Section 8.15B (2) LGA
3 Annexures
DOCUMENTS TABLED: Nil

RESOLUTION:
041214

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

The Shire of York submission be forwarded to the Minister for Local Government with the request that instead of taking the step of suspending Council consideration be given to –

1. *Introducing an ‘on the job’ training programme with an approved Trainer/Mentor being part of the meeting process for Council, Committee and Electors meetings.*
2. *Training modules also being made available for staff and members of the public who attend Local Government meetings.*
3. *Request the Minister to appoint an Inquiry Panel under section 8.20 (a) & (b) of the Act, with the powers of a Royal Commission.*
4. *Authorise the Acting Chief Executive Officer to sign the documents on behalf of the Shire of York.”*

CARRIED: 4/0

Moved: Cr Reid

Seconded: Cr Smythe

5. *The Council authorise the Acting Chief Executive Officer to immediately forward a copy of the Show Cause Notice and all Annexures to an appropriately empowered investigatory body.*

CARRIED: 4/0

**RESOLUTION
051214**

Moved: Cr Wallace

Seconded: Cr Smythe

“That Council:

Hold a second Public Question Time.”

CARRIED: 4/0

Public Question Time re-commenced at 3.55pm

Ms Darlene Barratt

Question 1:

Will anything from the Electors Meeting be put in the submission to the Minister?

Response:

The Shire President stated that Council has reserved the right to add to the response.

The Shire President read an excerpt from the Hon Tony Simpsons letter ... *I note your intent to consider the community’s comment on the content of the Show Cause Notice. This may be useful to inform Council of the community’s views on the notice; however, as Minister for Local Government, I am required, under the Act, to consider what action to take based solely on Council’s response to the Show Cause Notice.*

Question 2:

Will anything be going to the Minister concerning the past eight years? Is it up to us to voice our opinion?

Response:

It is important for the community to come together and discuss what the community’s desires and expectations are and communicate that direct to the Minister’s office. I believe there is a petition circulating amongst the community.

Ms Tricia Walters

Question:

Would Council be prepared to view my notes regarding the Minister’s letter prior to the response going to the Minister?

Response:

Council has responded to the concerns. Once you have read the document you will be satisfied.

Mrs Nola Bliss

Question:

In your response to the Minister, reference is made to an Inquiry Panel. Would you have any idea of the scope of this panel? Would it be possible to add the last 5 years?

Response:

It is solely at the Ministers discretion.

Ms Jane Ferro

Question:

It would be helpful for us to see the Council's response. How quickly will the Minutes be put on the website.

Response:

The Minutes will be completed by 5.00pm.

Ms Darlene Barratt

Question:

In regards to the Ministers words about the Fitzgerald Report – where you as Councillors told not to act on it?

Response:

Council does cover this in its response.

Mr Rod Norris

Question 1:

The termination of Mr Ray Hooper – did he resign or was he dismissed?

Response:

He resigned.

Question 2:

There is mention of the administration, fallen short of good governance, no mention of administration in points following – has this been taken into account?

Response:

It has to some extent – the scope of the Show Cause Notice does not address the staff, it is angled toward the Councillors.

Question 3:

Is there a time frame for in-house management of the Council?

Response:

There is no timeframe, it is at the discretion of the Minister.

Mr Julien Krieg

Question:

Would like to read the response to the Show Cause Notice and defer any questions to after 5.00pm.

Response:

We cannot defer, however we can close public question time. It would be useful for the community to peruse the document so they can formulate questions.

Public Question Time by closed at 4.09pm.

CLOSURE

Cr Reid thanked everyone for their attendance and closed the meeting at 4.10pm.