



# SHIRE OF YORK

**MINUTES OF THE SPECIAL  
MEETING OF THE COUNCIL  
HELD ON 8 DECEMBER, 2014  
COMMENCING AT 10.18AM  
IN THE YORK TOWN HALL,  
YORK**



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## SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL  
HELD ON MONDAY, 8 DECEMBER 2014, COMMENCING AT  
10.18AM 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."*

#### 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; Matthew Davies, IT; Natasha Brennan, Administration Officer, Anneke Birlison, Customer Service 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 50 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 10.20am*

**Mr James Plumridge**

**Question:**

You stated a moment ago that full Council were in attendance but I notice that Cr Boyle is not here.

**Response:**

The Shire President stated that Cr Boyle resigned this morning.

**Ms Patricia Walters**

**Question:**

In the spirit of transparency will Council be prepared to provide a copy of correspondence raising issues which prompted the Minister to make a decision to monitor the Shire Council?

As a ratepayer I would like to know the reason.

**Response:**

The Shire President stated that Council does not have a copy of the report the Department of Local Government sent to the Minister for Local Government. A letter was received from the Minister of Local Government over the weekend and this will be tabled at the end of the meeting.

**Ms Jane Ferro**

**Question:**

Mr President, you asked the Minister for further clarification – would you say the letter received on Friday was the clarification.

**Response:**

No the letter does not address the questions asked. The Chief Executive Officer and I spent a great deal of time over allegations made in the Show Cause Notice and we had asked the Minister to respond by the close of business on Thursday, 27<sup>th</sup> November, 2014. We still do not have a reply to our correspondence. It does make it difficult to answer the questions without clarification.

**Mr Keith Schekkerman**

**Question:**

Will you allow Public Question Time after the meeting if there are further questions to be asked?

**Response:**

More than happy to put to Council. However there needs to be a Council Resolution.

*There were no further questions Public Question time was declared closed at 10.28am.*

**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. REPORTS**

**9.1 Minister for Local Government - Letter with Attachments**

**RESOLUTION  
011214**

**Moved: Cr Smythe**

**Seconded: Cr Wallace**

***“That Council:***

***Receive the Minister for Local Governments letter and attachments received on Friday, 5<sup>th</sup> December, 2014.”***

***CARRIED: 4/0***

*Advice Note: Minister’s Letter and Attachments to be Appendixed to these Minutes*

**9.2 Show Cause Notice – Draft Response –  
Recommendation from the A/Chief Executive Officer**

**RESOLUTION  
021214**

**Moved: Cr Hooper**

**Seconded: Cr Wallace**

***“That Council:***

***Request the Acting Chief Executive Officer to draft a response to the Minister for Local Government for the meeting to be held on Thursday, 11<sup>th</sup> December, 2014 at 3.00pm in the York Town Hall.”***

***CARRIED: 4/0***

**RESOLUTION  
031214**

**Moved: Cr Wallace**

**Seconded: Cr Smythe**

***“That Council:***

***Hold a second Public Question Time.”***

***CARRIED: 4/0***

*Public Question Time re-commenced at 10.31am*

**Mr Denis Hill**

**Question:**

Will the Resolution of the meeting to be held next Thursday be held ‘in camera’ and if so will the Resolution be available at the 5.00pm Special Electors meeting?

**Response:**

It will be a Council decision if it will be ‘in camera’. The special ratepayers meeting at 3.00pm is to ensure that everything is available for the Special Electors Meeting at 5.00pm. This gives Council a maximum amount of time to adopt the response and be in a position to present at the 5.00pm meeting.

**Mr Bill Roy**

**Question:**

Could you please explain why we are having a meeting at 3.00pm on Thursday when the Show Cause Notice was to be discussed today?

**Response:**

Thursday’s meeting is to adopt a response. Currently we are not in a position to answer the response at this time due to having received a substantial document from the Minister this morning. This is in addition to the Show Cause Notice.

**Ms Jane Ferro**

**Question 1:**

The document you received, will it become a public document?

**Response:**

Yes

**Question 2:**

What is the deadline to appeal to the Minister for the Show Cause Notice?

**Response:**

The response to the Minister is required by the close of business on Tuesday, 16<sup>th</sup> December, 2014.

The Shire President read the following from the Minister for Local Governments letter ...*"In reference to your letter dated 28<sup>th</sup> November, 2014. I note our intent to consider the community's comment on the content of the Show Cause Notice. This maybe 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.*

**Mr Rod Norris**

**Question:**

Due to the late arrival of this notice – does Council believe they have sufficient time to prepare this document?

**Response:**

This is the view of the Council. Administration will draft a response with input from the Council. It is our desire to finalise this on Thursday, 11<sup>th</sup> December, 2014 and present to the community to keep the community well informed.

**Ms Liz Christmas**

**Question:**

When the Council considers the Minister's Show Cause Notice and related documentation, are they going to take into consideration the following – In the last 16 years we have had: 4 CEOs, 5 Shire Presidents and 1 Commissioner; some Committees that were there before, axed for some years; Reference Groups, under the Commissioner, that a lot of York people volunteered for, of their own freewill, giving their own time, to work out ways in which the town could progress. A lot of that went by the wayside with each change of Council and there were expensive studies done whose reports ended up sitting on shelves. With each change, and the reinstatement of various committees, there was the risk of going to more expense to do new studies and 'reinvent the wheel'. Is the Council going to consider this sort of issue when discussing and responding to the Minister's documents?"

**Response:**

Council's response is restricted to what is in the Show Cause Notice. However we intend to enlighten the Minister as to what has happened over the past 10-12 years and over the past few months.

*As there were no further questions Public Question time was declared closed at 10.44am.*

**CLOSURE**

*Cr Reid thanked everyone for their attendance and closed the meeting at 10.45am.*