



# SHIRE OF YORK

**MINUTES OF THE SPECIAL  
MEETING OF THE COUNCIL  
HELD ON 6 OCTOBER 2015  
COMMENCING AT 5.01pm  
IN THE LESSER HALL,  
YORK TOWN HALL, YORK**



# Table of Contents

<b>1. OPENING .....</b>	<b>5</b>
1.1 Declaration of Opening .....	5
1.2 Disclaimer.....	5
1.3 Standing Orders.....	5
1.4 Announcement of Visitors .....	5
1.5 Declarations of Interest that Might Cause a Conflict.....	5
<b>2. ATTENDANCE .....</b>	<b>6</b>
2.1 Members.....	6
2.2 Mentoring/Monitoring Panel .....	6
2.3 Staff.....	6
2.4 Apologies.....	6
2.5 Leave of Absence Previously Approved.....	6
2.6 Number of People in Gallery at Commencement of Meeting.....	6
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>6</b>
<b>4. PUBLIC QUESTION TIME.....</b>	<b>6</b>
4.1 Written Questions – Current Agenda .....	7
4.2 Public Question Time – Questions Without Notice .....	7
<b>5. APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>7</b>
<b>6. PETITIONS / PRESENTATIONS / DEPUTATIONS.....</b>	<b>7</b>
<b>7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS &amp; NOTES OF THE AGENDA SETTLEMENT BRIEFING .....</b>	<b>7</b>
<b>8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....</b>	<b>8</b>
<b>9. PURPOSE OF THE MEETING .....</b>	<b>8</b>
<b>10. CLOSURE .....</b>	<b>8</b>





## SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL  
HELD ON TUESDAY, 6<sup>TH</sup> OCTOBER, 2015, COMMENCING  
AT 5.01PM IN THE LESSER HALL, YORK TOWN HALL, YORK

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

### 1. OPENING

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

#### 1.1 Declaration of Opening

*Cr Matthew Reid, Shire President, declared the meeting open at 5.01pm.*

#### 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 Standing Orders

*Motion Not Put*

#### 1.4 Announcement of Visitors

*Nil*

#### 1.5 Declarations of Interest that Might Cause a Conflict

*Not Put*

## 2. ATTENDANCE

### 2.1 Members

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

### 2.2 Mentoring/Monitoring Panel

*Andrew Borrett, Department of Local Government & Communities*

### 2.3 Staff

*Graeme Simpson, Acting Chief Executive Officer; Mark Dacombe, Governance;  
Allan Rourke, Manager Works & Services, Gail Maziuk, Compliance/Human Resources;  
Tabitha Bateman, Finance Controller; Helen D'Arcy-Walker, Executive Support Officer*

### 2.4 Apologies

*Nil*

### 2.5 Leave of Absence Previously Approved

*Cr Pat Hooper*

### 2.6 Number of People in Gallery at Commencement of Meeting

*There were 32 people in the Gallery at the commencement of the meeting*

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

*Nil*

## 4. PUBLIC QUESTION TIME

*The Presiding Member to read the following statement in full 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 Written Questions – Current Agenda *Nil*

### 4.2 Public Question Time – Questions Without Notice

*Public Question Time commenced at 5.03pm*

*The Shire President stated that only questions referring to the item on the Agenda will be taken and debate will not be entered into.*

#### **Ms Darlene Barratt**

##### **Question 1:**

On reading the Agenda it does not say anything about the FitzGerald Report. Will this be brought up with the Fraud Squad?

##### **Response:**

The Shire President replied – No.

##### **Question 2:**

Point 2 says - request the Major Fraud Squad investigate possible offences as discussed at the meeting of Council, and Acting CEO with Detective Sergeant Kearns Gangin and Detective Sergeant Stuart Mirfin, Major Fraud Squad Western Australian Police Force at 2.00pm Monday 5 October 2015.

Seeing as the Acting CEO does not have a good track record of following Council Resolutions what will be happening if it is not followed through?

##### **Response:**

The Shire President replied that this will be a matter for the new Council to resolve after the elections.

*As there were no further questions - Public Question Time concluded at 5.05pm*

## 5. **APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

## 6. **PETITIONS / PRESENTATIONS / DEPUTATIONS**

*Nil*

## 7. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS & NOTES OF THE AGENDA SETTLEMENT BRIEFING**

*Nil*

**8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

*Nil*

**9. PURPOSE OF THE MEETING**

**RESOLUTION**

**011015**

**Moved: Cr Smythe**

**Seconded: Cr Wallace**

***“That Council:***

- 1. *Consider the actions recommended by Detective Sergeant Kearns Gangin, Major Fraud Squad Western Australian Police Force.***
- 2. *Provide Clear direction to the Acting CEO by way of Council resolutions to:***
  - a. *request the Major Fraud Squad investigate possible offences as discussed at the meeting of Council, and Acting CEO with Detective Sergeant Kearns Gangin and Detective Sergeant Stuart Mirfin, Major Fraud Squad Western Australian Police Force at 2.00pm Monday 5 October 2015.***
  - b. *immediately provide a full copy of the Shire of York Response to the Show Cause notice as tabled at the Special Council Meeting 11 December 2014 to Detective Sergeant Kearns Gangin, Major Fraud Squad Western Australian Police Force.***
  - c. *immediately write to Detective Sergeant Kearns Gangin, Major Fraud Squad Western Australian Police Force requesting that the Major Fraud Squad investigate possible offences.***
  - d. *The letter to be signed by both the Acting Chief Executive Officer and the Shire President.”***

**CARRIED: 3/0**

**10. CLOSURE**

*The Shire President thanked everyone for their attendance and closed the meeting at 5.09pm*