

# **Shire of Wiluna**



## **AGENDA**

**Special Meeting of Council**

**Monday 12 July 2021**

**Commencing at 6.00pm**



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*In particular but without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence or permit, any statement or limitation of approval made by an Elected Member or by a Staff Member of Wiluna Shire Council during the course of any Meeting is not intended to be and is not to be taken as notice of approval from the Wiluna Shire Council. The Wiluna Shire Council warns that anyone who has an application lodged with the Wiluna Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application including any conditions attaching to the decision made by the Wiluna Shire Council in respect of the application.*

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Gary Gaffney  
A/Chief Executive Officer

12 July 2021

WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

I, (1) \_\_\_\_\_ hereby declare an interest in the following item to be considered by Council at its Meeting to be held on (2) .../.../..... and regarding

Agenda item (3) \_\_\_\_\_

The type of interest I wish to declare is (4)

- Financial pursuant to Sections 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

The nature of my interest is (5)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The extent of my interest is (6)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the above information will be recorded in the Minutes of the Meeting and recorded by the Chief Executive Officer in an appropriate Register.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

RECEIVED BY: \_\_\_\_\_  
(A/Chief Executive Officer)

\_\_\_\_\_  
(Date)

- (1) Insert your name
- (2) Insert the date of the Council Meeting at which the item is to be considered
- (3) Insert the Agenda Item Number and Title
- (4) Tick the box(es) to indicate the type of interest (for explanation, see the extracts overleaf from the Act (5) Describe the nature of your interest
- (6) Describe the extend of your interest (if seeking to participate in the matter under the s.5.68 of the Act)

**Financial pursuant to Section 5.60A of the Local Government Act 1995**

**S5.60A Financial Interest**

For the purpose of the Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s.50.]*

**Proximity pursuant to Section 5.60B of the Local Government Act 1995**

**S5.60B Proximity Interest**

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
  - a) a proposed change to a planning scheme affecting land that adjoins the person's land;
  - b) a proposed change to zoning or use of land that adjoins that person's land; or
  - c) a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2) In this section, land ("**the proposal land**") adjoins a person's land if –
  - a) the proposed land, not being a thoroughfare, has a common boundary with the person's land;
  - b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No 64 of 1998 s 30.]*

**Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995 S5.61**

**Indirect Financial Interest**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

**Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007**

**reg 11 Disclosure of Interest**

- (1) In this regulation –  
Interest means an interest that could or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship, friendship or membership of an association.
- (2) A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest –
  - a) in a written notice given to the CEO before the meeting; or
  - b) at the meeting immediately before the matter is discussed.
- (3) Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Sub-regulation (2) does not apply if –
  - a) A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
  - b) A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
  - a) Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - b) At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.

- (6) If –
- a) Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
  - b) Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

***Describe the extent of your interest (if seeking to participate in the matter under s.5.68 of the Act)***

**S5.68 Councils and Committees may allow Members disclosing interests to participate etc. in Meetings.**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
- a) may allow the disclosing member to be present during any discussion or decision-making procedure relating to the matter; and
  - b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedure relating to the matter if –
    - i. the disclosing member also discloses the extent of the interest; and
    - ii. those members decide that the interest –
      - I. is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - II. is common to a significant number of electors or ratepayers
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister

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**APPENDICES**

**CONFIDENTIAL APPENDICES**

**APPENDIX 5.1 Employee Matter - Chief Executive Officer (CEO)**

## **AGENDA**

- 1. Declaration of Opening and Announcement of Visitors**
- 2. Public Question Time**
- 3. Record of Attendance**

Jim Quadrio	Shire President
Peter Grundy	Deputy President
Tim Carmody	
Norma Ward	
Ane Koroicure	
Lena Long	
Brodie Sawyer	

### **Officers:**

Gary Gaffney	A/Chief Executive Officer
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### **a) Apologies and Leave of Absence Previously Approved**

### **b) Notations of Interest:**

- i Financial Interest Local Government Act Section 5.60A**
- ii. Proximity Interest Local Government Act Section 5.60B**
- iii. Interest Affecting Impartiality Shire of Wiluna Code of Conduct**

**4. Reports of Officers and Committees**

Nil

**5. Matters Behind Closed Doors**

**5.1 Chief Executive Officer**

**This matter is considered confidential under Section 5.23(2)(a) and (b) of the Local Government Act 1995 and Council is satisfied that discussion of this matter would be contrary to the public interest as it deals with a matter affecting an employee or employees.**

**MOVED CR \_\_\_\_\_**

**SECONDED CR \_\_\_\_\_**

**That Council:**

**Considers the confidential reports listed below in a meeting closed to the public in accordance with Section 5.23(2) (a) & (c) of the Local Government Act 1995:**

Please refer to attached confidential report.

*The meeting was closed to the public at \_\_\_\_\_ pm*



**Officer Recommendation – Move out from behind closed doors**

**That Council move out from behind closed doors.**

**MOVED CR**

**SECONDED CR**

**CARRIED /**

*The meeting was reopened to the public at ..... pm.*

**MOVED CR \_\_\_\_\_**

**SECONDED CR \_\_\_\_\_**

**That the recommendation in the confidential report be endorsed**

**CARRIED.../...**

## **6. Closure**

The Shire President closed the meeting at ..... pm