



SPECIAL COUNCIL MEETING

AGENDA

**NOTICE IS HEREBY GIVEN that a
Special Meeting of Council will be held
in the Council Chambers, Welcome Road, Karratha,
on 26 July 2012 at 5.00pm**

**Simon Kot
ACTING CHIEF EXECUTIVE OFFICER**





No responsibility whatsoever is implied or accepted by the Shire of Roebourne for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of Roebourne disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or intimation of approval made by any member or Officer of the Shire of Roebourne during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Roebourne.

The Shire of Roebourne warns that anyone who has any application lodged with the Shire of Roebourne must obtain and should only rely on

WRITTEN CONFIRMATION

of the outcome of the application, and any conditions attaching to the decision made by the Shire of Roebourne in respect of the application.

Signed: _____

Mr Simon Kot –Acting Chief Executive Officer

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: *An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.*

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OFFICIAL OPENING	6
2	PUBLIC QUESTION TIME.....	6
3	RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE	6
4	DECLARATIONS OF INTEREST	7
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	7
6	COUNCILLORS' REPORTS.....	7
7	MATTERS BEHIND CLOSED DOORS	8
7.1	ENTERPISE BARGANING AGREEMENT	8
8	CLOSURE & DATE OF NEXT MEETING	9

AGENDA

1 OFFICIAL OPENING

Cr Fiona White-Hartig acknowledges the traditions of the Ngarluma people, on whose land we are gather.

2 PUBLIC QUESTION TIME

3 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE

Councillors:

- Cr Fiona White-Hartig [President]
- Cr Peter Long [Deputy President]
- Cr Nicole Lockwood
- Cr John Lally
- Cr Sharon Vertigan
- Cr Garry Bailey
- Cr Janine Miller
- Cr Margaret Bertling
- Cr Michael Saylor
- Cr Evette Smeathers
- Cr Pritchard

Staff:

Simon Kot	Director Strategic Projects & Business
David Pentz	Director Development, Regulatory & Infrastructure Services
Andrew Ward	Director Community and Corporate Services
Phillip Trestrail	Manager Human Resources
Tishka Hanlon	PA to the CEO (Minute Taker)

Apologies:

Absent:

Leave of Absence:

Members of Public:

Members of Media:

4 DECLARATIONS OF INTEREST

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

6 COUNCILLORS' REPORTS

7 MATTERS BEHIND CLOSED DOORS

7.1 ENTERPRISE BARGAINING AGREEMENT

File No:	LS.15
Responsible Executive Officer:	Chief Executive Officer
Reporting Author:	Chief Executive Officer
Date of Report:	23 July 2012
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s)	To be tabled at the meeting 26 July 2012

8 CLOSURE & DATE OF NEXT MEETING

20 August 2012 in Council Chambers Welcome Road Karratha.