



# MINUTES

Ordinary Meeting of Council

16<sup>th</sup> November 2016

# SHIRE OF CARNAMAH

ORDINARY MEETING OF COUNCIL 16<sup>th</sup> NOVEMBER 2016

# MINUTES

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## TABLE OF CONTENTS

---

	<b>Page</b>
<b>DISCLAIMER</b>	<b>5</b>
<b>1. DECLARATION OF OPENING.....</b>	<b>6</b>
<b>2. RECORD OF ATTENDANCE.....</b>	<b>6</b>
Present.....	6
Apologies.....	6
Leave of Absence (Previously Approved).....	6
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>6</b>
<b>4. PUBLIC QUESTION TIME.....</b>	<b>6</b>
<b>5. APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>7</b>
<b>6. DISCLOSURE OF INTEREST.....</b>	<b>7</b>
<b>7. PETITIONS, DEPUTATIONS AND PRESENTATIONS.....</b>	<b>7</b>
<b>8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....</b>	<b>7</b>
<b>9. CONFIRMATION OF MINUTES.....</b>	<b>7</b>
9.1 Ordinary Meeting of Council 19 <sup>th</sup> October 2016 (as circulated)..... <i>Council Resolution 20160111</i>	7
<b>10. MANAGEMENT REPORTS.....</b>	<b>8</b>
<b>10.1 FINANCE REPORTS.....</b>	<b>8</b>
10.1.1 Accounts for Payment..... File: ADM0075 (Attachment 10.1.1) <i>Council Resolution 20160211</i>	8

10.1.2	Financial Reports to 31 <sup>st</sup> October 2016.....	10
	File: ADM0075	
	<i>Council Resolution 20160311</i>	
<b>10.2</b>	<b>ADMINISTRATION REPORTS.....</b>	<b>11</b>
10.2.1	Adoption of 2015/2016 Annual Report and Annual General Meeting of Electors.....	11
	File: ADM0057	
	(Attachment 10.2.1 – 2015/2016 Annual Report)	
	<i>Council Resolution 20160411</i>	
10.2.2	Appointment of Authorised Persons .....	13
	File: ADM0305	
	<i>Council Resolution 20160511</i>	
10.2.3	Carnamah Land Conservation District Committee – Nomination of Shire Representatives .....	15
	File: ADM0097	
	<i>Council Resolution 20160611</i>	
<b>10.3</b>	<b>CONFIDENTIAL REPORTS.....</b>	<b>16</b>
10.3.1	Motion to close the Meeting to the Public: Consideration of Confidential Report .....	16
	<i>Council Resolution 20160711</i>	
10.3.2	Tenders 09/16, 10/16, 11/16 and 12/16.....	17
	<i>Council Resolution 20160811</i>	
10.3.3	Request for early payment of Long Service Leave.....	19
	ADM0257 / PER #26	
	<i>Council Resolution 20160911</i>	
10.3.4	Motion to re-open the Meeting .....	21
	<i>Council Resolution 20161011</i>	
<b>11.</b>	<b>ORDERING THE COMMON SEAL.....</b>	<b>21</b>
<b>12.</b>	<b>REPORTS OF COMMITTEES AND MEMBERS.....</b>	<b>21</b>
<b>13.</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>21</b>
<b>14.</b>	<b>NOTICE OF MOTIONS.....</b>	<b>21</b>
	(For consideration at the following meeting, if given during the meeting)	

<b>15.</b>	<b>NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL.....</b>	<b>21</b>
15.1	Motion to admit late business ..... <i>Council Resolution 20161111</i>	21
<b>16.</b>	<b>CLOSURE OF MEETING.....</b>	<b>22</b>

**APPENDICES**

APPENDIX "A"

MINUTES OF ORDINARY MEETING OF COUNCIL  
19<sup>th</sup> OCTOBER 2016 AS CIRCULATED.

# SHIRE OF CARNAMAH

## DISCLAIMER

No responsibility is implied or accepted by the Shire of Carnamah for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Carnamah 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.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

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

The Shire of Carnamah advises that anyone who has any application lodged with the Shire of Carnamah shall 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 Carnamah in respect of the application.

Signed: \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER**

## SHIRE OF CARNAMAH

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# MINUTES

## ORDINARY MEETING OF COUNCIL

Held in the COUNCIL CHAMBERS, 33-37 MACPHERSON STREET, CARNAMAH  
On Wednesday the 16<sup>th</sup> of November 2016  
Commencing at 3.00 pm

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### 1. DECLARATION OF OPENING

Cr Isbister welcomed those in attendance and declared the meeting open at 3.01pm.

### 2. RECORD OF ATTENDANCE

#### Present

Cr Merle Isbister	President
Cr Ian Stirling	Deputy President
Cr Ian Bowman	Councillor
Cr Sandra Laundry	Councillor
Cr Con Kikeros	Councillor
Mr Bill Atkinson	CEO
Mr Ian Walsh	DCEO
Mr Mal Pumphrey	Manager Works and Services
Ms Jennie Benson	Executive Support Officer

#### Apologies

Cr Dwayne Wooltorton	Councillor
Cr Liz Piccles-Popham	Councillor

#### Leave Of Absence (Previously Approved)

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

Nil

### 4. PUBLIC QUESTION TIME

No members of the public were present.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6. DISCLOSURE OF INTEREST**

Nil

**7. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil

**8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**9. CONFIRMATION OF MINUTES**

**9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 19<sup>th</sup> OCTOBER 2016**

*As Circulated*

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION/COUNCIL RESOLUTION 20160111**

**ITEM: 9.1**

**Moved: Cr Con Kikeros**

**Seconded: Cr Sandra Laundry**

*That the Minutes of the Ordinary Meeting of Council held on the 19<sup>th</sup> October 2016 be accepted as a true and correct record.*

**CARRIED 5-0**

## 10 MANAGEMENT REPORTS

### 10.1 FINANCE REPORTS

#### 10.1.1 ACCOUNTS FOR PAYMENT

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	9 <sup>th</sup> November 2016
Author:	Deputy Chief Executive Officer
Attachments:	10.1.1 Cheque & EFT Listing

#### SUMMARY

Council to confirm the payment of creditors for the period 6<sup>th</sup> October 2016 to 9<sup>th</sup> November 2016, in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

#### ATTACHMENT

Copy of list of accounts paid (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

#### BACKGROUND

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

#### COMMENT

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the provision of services and as to prices, computations and costings, and that the amounts shown were due for payment.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.4 *Financial Report*  
Local Government (Financial Management) Regulations 1996 -  
*Section 12 Payments from municipal fund or trust fund;*  
*Section 13 Lists of accounts; and*  
*Section 15 Rounding off figures*



**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION/COUNCIL RESOLUTION 20160211**

**ITEM: 10.1.1**

**Moved: Cr Ian Stirling**  
**Seconded: Cr Ian Bowman**

*That payment listed as attachment 10.1.1. List of Accounts Due and Paid for the period 6<sup>th</sup> October 2016 to 9<sup>th</sup> November 2016; and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy CEO (in the Chief Executive Officer's absence) as delegated by the Chief Executive Officer including:*

<i>Manual Municipal cheques:</i>	<i>022458 -022464</i>
<i>Municipal cheques:</i>	<i>27998 - 28003</i>
<i>Municipal EFT's:</i>	<i>9582 - 9671</i>
<i>Trust Cheques:</i>	<i>300389 - 300393</i>
<i>Payroll direct debits:</i>	<i># 8 - # 9</i>
<i>Municipal Direct Debits</i>	<i>31102016</i>

*Totalling \$1,145,607.23 be approved and passed for payment.*

**CARRIED 5-0**

## 10.1.2 FINANCIAL REPORTS TO 31<sup>st</sup> OCTOBER 2016

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	9 <sup>th</sup> November 2016
Author:	Deputy Chief Executive Officer
Attachments:	10.1.2 Monthly Statement of Financial Activity,

### SUMMARY

A Statement of Financial Activity and other supplementary financial information is produced monthly as part of the Council meeting agenda.

### BACKGROUND

The attached financial report for the period 1 July 2016 to 31 October 2016 (marked 10.1.2) has been prepared in accordance with the Local Government Financial Management Regulations.

### COMMENT

Included with this report is the following:

Statement of Financial Activity for the period 1 July 2016 to 31 October 2016;

- Summary Rates Trial Balance Report as at 31 October 2016;
- Cash and Investment Listing;
- Debtors Listing;
- Other Supplementary Information;

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 34 - *Financial activity statement report* — s. 6.4

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

### VOTING REQUIREMENT

Simple Majority

**RECOMMENDATION/COUNCIL RESOLUTION 20160311** **ITEM: 10.1.2**

**Moved: Cr Ian Bowman**

**Seconded: Cr Con Kikeros**

*That Council receive the Statement of Financial Activity for the period 1 July 2016 to 31 October 2016; and other supplementary financial information as presented.*

**CARRIED 5-0**

## 10.2. ADMINISTRATION REPORTS

### 10.2.1 ADOPTION OF 2015/2016 ANNUAL REPORT and ANNUAL GENERAL MEETING OF ELECTORS 2016

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0057
Disclosure of Interest:	Nil
Date:	7 <sup>th</sup> November 2016
Author:	Chief Executive Officer
Attachments:	2015/2016 Annual Report

#### SUMMARY

This report recommends that Council adopts the Shire of Carnamah Annual Report for the financial year ended 30<sup>th</sup> June 2016.

#### BACKGROUND

The Annual Report has been prepared and is circulated with this Agenda. Council is required to conduct its Annual General Meeting of Electors within 56 days of the adoption of the Annual Report. Council has previously resolved to conduct its Annual General Meeting of Electors on Friday the 9<sup>th</sup> of December 2016 at 5.00pm.

#### COMMENT

Councils Ordinary Meeting in December has been scheduled for 3.00pm, Friday the 9<sup>th</sup> of December 2016. It is expected that there will be sufficient time to finish the meeting in time to conduct the Annual General Meeting of Electors at 5.00pm; and for this meeting to be concluded in time for Councillors and staff to attend the Shire Christmas Function scheduled for 6.00pm.

#### CONSULTATION

Council Ordinary Meeting 19<sup>th</sup> October 2016.

#### STATUTORY ENVIRONMENT

Local Government Act 1995 – s 5.27 – *Electors General Meetings*

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION/COUNCIL RESOLUTION 20160411**

**ITEM: 10.2.1**

**Moved: Cr Sandra Laundy**

**Seconded: Cr Ian Stirling**

*That Council adopts the Shire of Carnamah Annual Report for the financial year ended 30<sup>th</sup> June 2016.*

**CARRIED 5-0**

## **10.2.2 APPOINTMENT OF AUTHORISED OFFICERS**

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0305
Disclosure of Interest:	Nil
Date:	1 <sup>st</sup> November 2016
Author:	Chief Executive Officer
Attachments:	Nil

### **SUMMARY**

This report recommends the appointment of additional authorised persons to carry out the provision of the Dog Act 1976 and the Cat Act 2011, and to revoke a previous appointment.

### **COMMENT**

It is necessary for Council to formally appoint authorised persons to enforce the provisions of various Acts which help to govern the law and order requirements of the Shire. Approved authorisations are subsequently published in the Government Gazette. Should prosecutions end up in court, the Government Gazette is used as evidence that the prosecuting officers have been duly authorised by Council to enforce the provisions of the Acts in question.

### **CONSULTATION**

Consultation has been had with the persons proposed to be authorised by resolution of Council.

### **STATUTORY ENVIRONMENT**

Dog Act 1976 – Registration & Authorised Officers  
Cat Act 2011 – Authorised Persons

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **VOTING REQUIREMENT**

Absolute Majority

**Moved: Cr Sandra Laundry**

**Seconded: Cr Con Kikeros**

- 1. *That the following persons be appointed authorised persons in accordance with the relevant Acts hereunder, effective immediately:***

***Dog Act 1976 – Registration Officer***

***- Mrs Ruth Passmore***

***- Mrs Susanne Levett***

***Cat Act 2011 – Authorised Persons***

***- Mrs Ruth Passmore***

***- Mrs Susanne Levett***

- 2. *That the following appointment be revoked:***

***Dog Act 1976 – Registration Officer***

***- Ms Jennifer Marjorie Hayley***

***Cat Act 2011 – Authorised Persons***

***- Ms Jennifer Marjorie Hayley***

**CARRIED BY ABSOLUTE MAJORITY 5-0**

**10.2.3 CARNAMAH LAND CONSERVATION DISTRICT COMMITTEE –  
NOMINATION OF SHIRE REPRESENTATIVES**

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0097
Disclosure of Interest:	Nil
Date:	7 <sup>th</sup> November 2016
Author:	Chief Executive Officer
Attachments:	Nil

**SUMMARY**

The term of the Shires two representatives on the Carnamah Land Conservation District Committee expires on the 30<sup>th</sup> November 2016. The report recommends the nomination of Shire representatives for a three year term expiring on the 30<sup>th</sup> November 2019.

**BACKGROUND**

Nominations are required to be submitted on the stipulated form and approved by the Hon Minister for Agriculture and Food.

**COMMENT**

The current Shire representatives are Cr Con Kikeros and Mr Bill Atkinson.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Soil and Land Conservation Act 1945 – s23 *Constitution of Membership of District Committees.*

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION/COUNCIL RESOLUTION 20160611** **ITEM: 10.2.3**

**Moved: Cr Ian Bowman**  
**Seconded: Cr Sandra Laundry**

*That Council nominate the following representatives to the Carnamah Land Conservation District Committee:*

1. *Cr Con Kikeros*
2. *Cr Merle Isbister*

**CARRIED 5-0**

### 10.3 CONFIDENTIAL REPORTS

#### 10.3.1 MOTION TO CLOSE THE MEETING TO THE PUBLIC: CONSIDERATION OF CONFIDENTIAL REPORTS

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	
Date:	9 <sup>th</sup> November 2016
Author:	Executive Support Officer
Attachments:	Nil

#### BACKGROUND

Item 10.3.2 of the Agenda of 16th November 2016, deals with matters affecting Council, of which the meeting may be closed to the public.

#### COMMENT

Nil

#### STATUTORY ENVIRONMENT

*Local Government Act 1995 Section 5.23 (2) (a) (c) (d) (e) Meetings generally open to the public.*

#### STRATEGIC IMPLICATIONS

Nil

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### VOTING REQUIREMENT

Simple Majority

#### RECOMMENDATION/COUNCIL RESOLUTION 20160711

ITEM 10.3.1

**Moved: Cr Ian Bowman**

**Seconded: Cr Con Kikeros**

*That the meeting be closed to the public to consider Confidential Item 10.3.2 of the 16<sup>th</sup> November 2016 Agenda.*

**CARRIED 5-0**



### 10.3.2 TENDERS 9/16, 10/16, 11/16 and 12/16 (SALE & PURCHASE OF TRUCKS)

Applicant:	N/A
Location / Address:	N/A
File Ref:	Tenders 9/16, 10/16, 11/16 and 12/16
Disclosure of Interest:	
Date:	8 <sup>th</sup> November 2016
Author:	Chief Executive Officer
Attachments:	10.3.2(a) – Tender Advertisement 10.3.2(b) – Summary of Tenders Received

#### SUMMARY

This report recommends the acceptance of tenders (after trade) for a new 6x4 tip truck and a new 4x2 tip truck.

#### BACKGROUND

Tenders were called during October 2016, for the following:

#### The following trucks are offered for sale by tender:

Tender 09/16:

2003 Isuzu NKR200 tipper –GCM 7990. 84000 kms (Reg CA 5018)

Tender 10/16:

2006 Isuzu 6 x 4 rear and side tipping body –GCM 36000. 406000 kms (Reg CA 5020)

#### Tenders are invited for the supply and delivery to Carnamah of the following:

Tender 11/16:

6x4 truck with a rear and side tipping body and an engine capacity of between 300-400 kw. Prices are to be submitted for a new unit with & without trade of either or both of the Shires 2003 Isuzu NKR 200 tipper (CA 5018) and 2006 6x4 Isuzu tipper (CA 5020).

Tender 12/16:

Truck with a rear tipping body and an engine capacity of between 100-150 kw. Prices are to be submitted for a new unit with & without trade of either or both of the Shires 2003 Isuzu NKR 200 tipper (CA 5018) and 2006 6x4 Isuzu tipper (CA 5020).

#### COMMENT

Tenders received are summarised on the attached schedule.

#### CONSULTATION

Manager Works and Services

#### STATUTORY ENVIRONMENT

Local Government Act 1995 – s3.57 – *Tenders for providing goods or services*  
Local Government (Functions and General) Regulations 1996

## STRATEGIC IMPLICATIONS

Nil

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The net changeover cost of the vehicles after trade, are well below budget estimates.

## VOTING REQUIREMENT

Simple Majority

### RECOMMENDATION/COUNCIL RESOLUTION 20160811

ITEM 10.3.2

**Moved:** Cr Ian Stirling  
**Seconded:** Cr Ian Bowman

#### **Tender 09/16:**

Outright sale of 2003 Isuzu NKR200 tipper –GCM 7990. 84000 kms (Reg CA 5018)

*Recommended that no tender be accepted.*

#### **Tender 10/16:**

Outright sale of 2006 Isuzu 6 x 4 rear and side tipping body –GCM 36000. 406000 kms (Reg CA 5020)

*Recommended that no tender be accepted.*

#### **Tender 11/16:**

Supply and delivery of a 6x4 truck with a rear and side tipping body and an engine capacity of between 300-400 kw. Prices are to be submitted for a new unit with & without trade of either or both of the Shires 2003 Isuzu NKR 200 tipper (CA 5018) and 2006 6x4 Isuzu tipper (CA 5020).

*Recommended that the tender submitted by Major Motors for the supply and delivery of a 6x4 Isuzu Giga CXZ 455 truck with a rear and side tipping body as specified, at a net cost, inclusive of GST ( after trade of the Shires 2006 Isuzu 6x4 unit – CA 5020) of \$163,748 be accepted.*

#### **Tender 12/16:**

Supply and delivery of a truck with a rear tipping body and an engine capacity of between 100-150 kw. Prices are to be submitted for a new unit with & without trade of either or both of the Shires 2003 Isuzu NKR 200 tipper (CA 5018) and 2006 6x4 Isuzu tipper (CA 5020).

*Recommended that the tender submitted by Major Motors for the supply and delivery of an Isuzu NH NQR – 190 MWB tip truck, as specified, at a net cost, inclusive of GST ( after trade of the Shires Isuzu unit – CA 5018) of \$76,680 be accepted.*

**CARRIED 5-0**

### 10.3.3 REQUEST FOR EARLY PAYMENT OF LONG SERVICE LEAVE

Applicant:	Mr Warren Sivyer
Location / Address:	N/A
File Ref:	ADM0257 / PER #26
Disclosure of Interest:	
Date:	16 <sup>th</sup> November 2016
Author:	Chief Executive Officer
Attachments:	10.3.3 Letter

#### SUMMARY

This report recommends that Council accede to the request of the applicant to access his Long Service Leave in advance, after his Sick Leave and Annual Leave entitlements have been taken.

#### BACKGROUND

Refer to attached letter.

#### COMMENT

The applicant is due for Long Service Leave on the 31<sup>st</sup> of January 2017. His existing Sick Leave and Annual Leave entitlements will take him through to the end of December 2016, thus leaving him approximately one month short of being able to access his Long Service Leave entitlement.

Under the Local Government (Long Service Leave) Regulations employees are entitled to thirteen (13) weeks of Long Service Leave after ten (10) years of continuous service.

There have been two precedents with respect to requests of this nature in recent years where Council has conditionally approved of employees taking Long Service Leave in advance of it being due. The principal condition that previously applied was to the effect:

*In order to adhere to award provisions and to satisfy any potential audit queries the employee is to certify that should any circumstances prevail that prevent a return to work after the taking of the Long Service Leave, the Shire may deduct any shortfall in entitlement from the employees' accrued annual leave.*

#### CONSULTATION

DCEO

#### STATUTORY ENVIRONMENT

Local Government (Long Service Leave) Regulations.

#### STRATEGIC IMPLICATIONS

Nil

#### POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The Shires Long Service Leave Reserve Fund may be utilised to meet this contingency which would not have any financial implications on the Shires 2016/2017 financial year budget.

## VOTING REQUIREMENT

Simple Majority

**RECOMMENDATION/COUNCIL RESOLUTION 20160911**

**ITEM: 10.3.3**

**Moved: Cr Ian Stirling**

**Seconded: Cr Con Kikeros**

*That Council accede to the request of the applicant to access his Long Service Leave in advance, after his Sick Leave and Annual Leave entitlements have been taken, subject to him certifying that, should any circumstances prevail that prevent a return to work 'after the taking of the Long Service Leave', the Shire may deduct any shortfall in entitlement from the employees' accrued annual leave.*

**CARRIED 5-0**

### 10.3.4 MOTION TO RE-OPEN THE MEETING

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	Nil
Date:	9 <sup>th</sup> November 2016
Author:	Executive Support Officer
Attachments:	Nil

### VOTING REQUIREMENT

Simple Majority

**RECOMMENDATION/COUNCIL RESOLUTION 20161011**

**ITEM 10.3.3**

**Moved: Cr Con Kikeros**

**Seconded: Cr Ian Bowman**

*That the meeting be re-opened to the public.*

**CARRIED 5-0**

## 11. ORDERING THE COMMON SEAL

## 12. REPORTS OF COMMITTEES AND MEMBERS

## 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

## 14. NOTICE OF MOTIONS

(For consideration at the following meeting, if given during the meeting).

## 15. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

### 15.1 MOTION TO ADMIT LATE BUSINESS

An Addendum to the Agenda for the Ordinary Meeting of 16<sup>th</sup> November 2016 was circulated to Council. Council may resolve that the late business be admitted to the Meeting.

**RECOMMENDATION/COUNCIL RESOLUTION 20161111**

**ITEM 15.1**

**Moved: Cr Sandra Laundy**

**Seconded: Cr Ian Bowman**

*That item 10.3.3 be admitted to the meeting as late business.*

**CARRIED 5-0**

**16. CLOSURE OF MEETING**

There being no further business, the meeting was closed at 3.31pm.