



PILBARA
REGIONAL COUNCIL
Creating the future together

SPECIAL COUNCIL MEETING

AGENDA

NOTICE IS HEREBY GIVEN

that a Special Meeting of Council will be held by teleconference
on Saturday 26th May 2012 at 2.00pm

Ms Lynne Craigie
Chairperson

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, that 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. These notes will be included 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 measured 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.

**Pilbara Regional Council
DECLARATION OF INTEREST FORM**

To: Chief Executive Officer
Pilbara Regional Council
Level 1, 414 Murray Street
Perth WA 6000

I, ⁽¹⁾ _____ wish to declare an interest in
the following item to be considered by Council at its meeting to be held on ⁽²⁾ _____
Agenda Item ⁽³⁾ _____.

The type of Interest I wish to declare is ⁽⁴⁾.

- Financial pursuant to Section 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 6.51 of the Local Government Act 1995
- Closely Associated Persons pursuant to Section 5.62 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 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 placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

Notes:

1. Insert you name (print).
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 box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

1. OFFICIAL OPENING

The Special Meeting of Council is to be held on Saturday 26th May 2012 via teleconference at 2pm.

2. RECORD OF ATTENDANCE

Attendances:

Councillors	Cr Lynne Craigie	Shire of East Pilbara
	Cr Kelly Howlett	Town of Port Hedland
	Cr George Daccache	Town of Port Hedland
	Cr Kerry White	Shire of Ashburton
	Cr Lorraine Thomas	Shire of Ashburton
	Cr Sharon Vertigan	Shire of Roebourne
Deputy Councillors	Cr Anita Grace	Shire of East Pilbara
Staff	Nil.	
Apologies:	Cr Shane Carter, Shire of East Pilbara;	
	Cr Fiona White-Hartig, Shire of Roebourne	

3. CONFIDENTIAL ITEMS

Meeting is closed to members of the public from Item:

4.1 Appointment of CEO

OFFICER RECOMMENDATION

That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (a) A matter affecting an employee or employees.
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

4.1 APPOINTMENT OF CHIEF EXECUTIVE OFFICER

A confidential discussion and recommendation will be made at the meeting, guided by the Chairperson.

Meeting is open to Members of the Public.

OFFICER RECOMMENDATION

That in accordance with Section 5.23 (1) of the Local Government Act 1995 the meeting is open to members of the public.

5. CLOSURE