

CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	3
	SWEARING IN OF RE-ELECTED AND NEW COUNCILLORS	3
	ELECTIONS	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE.....	4
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4.	PUBLIC QUESTION TIME.....	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.	NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS	4
7.	CONFIRMATION OF MINUTES.....	5
7.1	SPECIAL MEETING – 17 October 2007	5
	C2007-1101 Confirmation of Minutes 17 October 2007	5
7.2	ORDINARY MEETING – 18 October 2007	5
	C2007-1102 Confirmation of Minutes 28 October 2007	5
8.	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION	6
9.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	6
10	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	6
10.1	PRESIDENT	6
10.2	MURCHISON REGIONAL VERMIN COUNCIL	6
11.	DISCLOSURE OF INTERESTS	6
12.	REPORTS OF COMMITTEES	6
13.	REPORTS OF OFFICERS	7
13.0	MATTERS BROUGHT FORWARD	7
13.0.1	COUNCIL COMMITTEES – ESTABLISHMENT	7
	C2007-1103 Council Committees – Establishment	8
13.0.2	AUDIT COMMITTEE – APPOINTMENT	9
	C2007-1104 Audit Committee – Appointment	10
	ADJOURNMENT	10
	C2007-1105 Adjourn for Audit Committee Meeting	10
13.1	WORKS.....	11
13.1.1	WORKS REPORT.....	11
	C2007-1106 Works Report	12
13.1.2	DALGARANGA-CUE RD AND DALGARANGA-METEORITE RD INTERSECTION	14
	C2007-1107 Dalgaranga–Cue Rd and Dalgaranga–Meteorite Rd Intersection	14
13.1.3	EVENTS ON ROADS – MRWA SIGNAGE DELEGATION	15
	C2007-1108 Events on Roads – MTWA Signage Delegation	15
13.1.4	ANNUAL SUPPLY TENDERS	16
	C2007-1109 Annual Supply Tenders	16
13.2	DEVELOPMENT	16
13.3	FINANCE.....	17
13.3.1	DCEO – ACTIVITY REPORT OCTOBER 2007.....	17
	C2007-1110 DCEO – Activity Report October 2007	17
13.3.2	FINANCIAL ACTIVITY STATEMENTS – October 2007	18
	C2007-1111 Financial Activity Statements October 2007	19
13.3.3	ACCOUNTS PAID DURING THE MONTH OF OCTOBER 2007	20
	C2007-1112 Accounts Paid During the Month of October 2007	20
13.3.4	DRAFT POLICY – GIFTS TO COUNCILLORS	21
	C2007-1113 Draft Policy – Gifts to Councillors	22
13.3.5	CHRISTMAS TREE AND END OF YEAR CELEBRATIONS	23
	C2007-1114 Christmas Tree and End of Year Celebrations	24
	C2007-1115 Paynes Find community – Christmas function	24
	C2007-1116 Paynes Find – End of Year Community Function	24

13.4	ADMINISTRATION.....	25
13.4.1	CEO – ACTIVITY REPORT October 2007	25
	C2007-1117 CEO Activity Report October 2007	26
13.4.2	LOCAL GOVERNMENT ACT AMENDMENTS.....	27
	C2007-1118 Local Government Act Amendments	28
	ADJOURNMENT	28
	RATE DRAW BY PRESIDENT.....	28
13.4.3	COUNCIL DELGATES TO EXTERNAL ORGANISATIONS.....	29
	C2007-1119 Council Delegates to External Organisations	30
	C2007-1120 Council Delegates to External Organisations	31
13.4.4	LOCAL EMERGENCY MANAGEMENT COMMITTEE – APPOINTMENT	32
	C2007-1121 Local Emergency Management Committee – Appointment	33
13.4.5	HEALTHY COMMUNITY PROJECT REFERENCE GROUP	34
	C2007-1122 Healthy Community Project Reference Group.....	35
	C2007-1123 Healthy Community Project Reference Group.....	36
13.4.6	ANNUAL REPORT – Year Ending 30 June 2007	37
	C2007-1124 Annual Report – Year Ending 30 June 2007	38
14.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	39
15.	URGENT BUSINESS.....	39
	C2007-1125 Admit Urgent Business.....	39
15.1	AUDIT COMMITTEE	40
	C2007-1126 Audit Committee Minutes.....	40
	C2007-1127 Commendation to staff	40
15.2	LGMA Functional Communities Conference.....	41
	C2007-1128 LGMA Functional Communities Conference.....	42
16.	ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS	43
17.	NEXT MEETING	43
18.	MEETING CLOSURE	43



Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday, 15 November 2007, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

NOTE: In accordance with the Local Government Act Schedule 2.3 (3), the CEO is to preside at the meeting until the election of the President.

The Chief Executive Officer declared the meeting open at 11:00am.

SWEARING IN OF RE-ELECTED AND NEW COUNCILLORS

Declarations of Office are to be made before a Justice of the Peace or other authorised person by –

- Cr Don Anderson
- Cr Laurence Hodder
- Cr Terry Iturbide
- Cr Darryl Grey

Declarations of Office by each of Cr Don Anderson, Cr Laurence Hodder, Cr Terry Iturbide and Cr Darryl Grey were made before Cr Ellen Rowe JP

ELECTIONS

a) Election of Shire President

Declaration of Office to be made before a Justice of the Peace or other authorised person.

The CEO advised that a written nomination for President had been received from Cr Don Anderson, and invited further nominations.

There being no further nominations Cr Anderson was declared elected.

Declaration of Office for Shire President was made before Cr Ellen Rowe JP.

NOTE: Shire President to assume the Chair

Cr Anderson assumed the Chair at 11:10am, and thanked the members for his re-election and emphasised the need to need to work as a team.

b) Election of Deputy Shire President

Declaration of Office to be made before a Justice of the Peace or other authorised person.

The CEO advised that no written nominations had been received. The President invited further nominations, which were received from Cr Laurence Hodder, and Cr Ellen Rowe.

There being two nominations a secret ballot was conducted, and Cr Rowe was declared elected.

Declaration of Office for Deputy Shire President was made before Mr Niel Mitchell, CEO.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr DE Anderson, Shire President Cr EC Rowe, Deputy Shire President Cr DJ Grey Cr L Hodder Cr TK Iturbide Cr LJ O'Connor
STAFF	Mr N Mitchell, Chief Executive Officer Mr RJ Adams, Deputy Chief Executive Officer Mr C Hodder, Works Foreman
APOLOGIES	None
LEAVE OF ABSENCE	None

Cr L O'Connor left the meeting at 11:29am.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None

4. PUBLIC QUESTION TIME

None

5. APPLICATIONS FOR LEAVE OF ABSENCE

None

6. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

None

7. CONFIRMATION OF MINUTES

7.1 SPECIAL MEETING – 17 October 2007

BACKGROUND

Minutes of the Special Meeting of Council have previously been circulated to all Councillors.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1101 Confirmation of Minutes 17 October 2007

Moved Cr EC Rowe, Seconded Cr DJ Grey

That the Minutes of the Special Council Meeting held on 17 October 2007, be confirmed as a true and correct record of proceedings.

Motion put and carried 5/0

7.2 ORDINARY MEETING – 18 October 2007

BACKGROUND

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1102 Confirmation of Minutes 28 October 2007

Moved Cr L Hodder, Seconded Cr DJ Grey

That the Minutes of the Ordinary Council Meeting held on 18 October 2007, be confirmed as a true and correct record of proceedings.

Motion put and carried 5/0

Cr L O'Connor rejoined the meeting at 11:37am

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

None

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

10 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

10.1 PRESIDENT

9 November 2007 – The President noted that this was his last meeting as President of the Murchison Country Zone of WALGA and that Cr Beth Walton, President of the Shire of Sandstone has accepted the position. The meeting was well attended.

10.2 MURCHISON REGIONAL VERMIN COUNCIL

No report

11. DISCLOSURE OF INTERESTS

- Item 13.1.1 Works Report –
Cr EC Rowe made a disclosure of Proximity Interest as her property is adjacent to the floodway to be sealed on Carlaminda/North Road.
- Item 13.3.4 Draft Policy – Gifts to Councillors –
All Councillors disclosed Financial Interest as councillors.
- Item 15.2 LGMA Functional Communities Conference –
Cr L Hodder made a disclosure of Interest Affecting Impartiality as he is a family member of one of the proposed participants.

12. REPORTS OF COMMITTEES

None

13. REPORTS OF OFFICERS

13.0 MATTERS BROUGHT FORWARD

13.0.1 COUNCIL COMMITTEES – ESTABLISHMENT

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 6 November 2007
Attachments: None

MATTER FOR CONSIDERATION

The establishment and appointment of Committees of Council.

BACKGROUND

A number of Committees have been operated in the past, and a decision is to be made as to future Committees.

STATUTORY ENVIRONMENT

Local Government Act 1995 –
- s.5.11 (1) – Tenure of Committee members

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

With the exception of the Audit Committee, required by the Local Government Act, other Committees do not appear to have met regularly or recently. These include the Building, Museum, and Gardens Committees. The Finance Committee has already been formally disbanded.

The Local Government Act stipulates that appointment to all Council Committees lapses at the next ordinary Local Government election, and so these Committees currently have no membership.

As Council has only seven members, there is no real need for the establishment of Committees other than as required by legislation, since matters can be dealt with by Council as a whole as easily, ensuring that all elected members are informed and are able to participate in decisions. It is therefore recommended that the Committees listed above lapse, and be formally disbanded.

It should be noted that the Museum does still have a volunteer community committee involved in preparing and preservation of exhibits, who liaise directly with Shire staff on any matters required.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1103 Council Committees – Establishment

Moved Cr LJ O’Connor, Seconded Cr TK Iturbide

**That the Building, Museum and Gardens Committees of Council be formally disbanded.
Motion put and carried by an absolute majority 6/0**

13.0.2 AUDIT COMMITTEE – APPOINTMENT

File: A14-1
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 6 November 2007
 Attachments: None

MATTER FOR CONSIDERATION

The establishment and appointment of the Audit Committee of Council.

BACKGROUND

While the establishment of committees is largely up to the individual Council, an Audit Committee is required by legislation. The Act and Regulations do not specify who is to be a member of the Committee, other than a prohibition on the CEO being a member.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.10 – Appointment of Committee members – by absolute majority
- s.7.1A – Council must establish an Audit Committee of at least 3 people
- s.7.2B – Council may delegate some powers and duties

Audit Regulations 1996 –

- r.16 – Functions of an Audit Committee

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

Currently, Council’s Audit Committee consists of all elected members of Council. Council may wish to consider appointing a person from outside the Shire organisation to assist.

Council has not delegated to the Audit Committee, any duties or tasks, other than those specified by the Regulations 16 –

An audit committee —

(a) is to provide guidance and assistance to the local government —

- (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;*
- and*

(b) may provide guidance and assistance to the local government as to —

- (i) matters to be audited;*
- (ii) the scope of audits;*
- (iii) its functions under Part 6 of the Act; and*
- (iv) the carrying out of its functions relating to other audits and other matters related to financial management.*

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

That –

- the Audit Committee consist of all members of Council
- no specific duties or tasks other than those specified by the Local Government (Audit) Regulations be delegated to the Audit Committee
- all recommendations of the Audit Committee be considered by Council prior to implementation.

COUNCIL DECISION

C2007-1104 Audit Committee – Appointment

Moved Cr LJ O’Connor, Seconded Cr DJ Grey

That –

- **the Audit Committee consist of all members of Council**
- **no specific duties or tasks other than those specified by the Local Government (Audit) Regulations be delegated to the Audit Committee**
- **all recommendations of the Audit Committee be considered by Council prior to implementation**
- **the quorum of the Committee be four members.**

Motion put and carried by an absolute majority 6/0

REASON FOR VARIATION:

To specify the quorum of the Committee

ADJOURNMENT

COUNCIL DECISION

C2007-1105 Adjourn for Audit Committee Meeting

Moved Cr EC Rowe, Seconded Cr TK Iturbide

That the meeting adjourn for the Audit Committee Meeting to take place.

Motion put and carried 6/0

The meeting adjourned at 11:51am and resumed at 1:00pm with all those present before the adjournment present once again.

13.1 WORKS

Cr EC Rowe made a Proximity Interest Declaration relating to item 13.1.1, as her property is adjacent to the floodway on Carlaminda/North Road.

13.1.1 WORKS REPORT

File: N/A
 Author: Cliff Hodder, Works Foreman
 Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 5 November 2007
 Attachments: None

MATTER FOR CONSIDERATION
 Works Report for the past month

BACKGROUND
 Overview of works for the past month

STATUTORY ENVIRONMENT
 None

STRATEGIC IMPLICATIONS
 None

POLICY IMPLICATIONS
 None

FINANCIAL IMPLICATIONS
 None

CONSULTATION
 None

COMMENT

- a) Construction
 - Ninghan Road –
 - o Completed construction, waterbinding and final trim
 - o initial seal of first 6.5 km done by RNR on 27/28 October
 - crew now working in the north-west of the Shire, currently around Pindathuna area, doing the final flood damage work identified by Main Roads.
 - Ninghan Road –
 - o waterbinding and final preparation for sealing to commence on 12 November
 - o second coat and both coats of second 6.5 km, subject to tenders to be decided on 15 November, planned for 26-27 November
 - when Ninghan Road sealing is done, also sealing of floodway through creek crossing on North Road near Carlaminda, approx. 12 km from town
 - return to final flood damage work early December – creek crossings etc
 - then to Dalgaranga-Cue Road
- b) Maintenance
 - assisted on Ninghan Rd construction for 5-6 weeks
 - concentrated in the south-east of the Shire with maintenance grading including –
 - o Narndee West Rd
 - o Oudabunna Rd
 - o Maranalgo Rd
 - o Wydgee
 - o Goodingnow Rd
 - o currently on Payne’s Find-Thundelara Rd

- maintenance on Morawa Rd planned to commence before Christmas

c) Plant

- tenders accepted for a Cat 12H from Westrac – delivery expected late November
- replacement dolly ordered from Howard Porter for \$21,000 + GST. Considered this the best option as the quote to rebuild the current dolly was in excess of \$16,000. The old dolly to be sold as is, or parts used as needed
- Iveco truck – continuing problems, this time with hydraulics (pump and now hoist as well)
 - o suggest that that this be considered for replacement with a semi and side tipper in the 2008–09 budget
- community bus – flat batteries again, to be replaced
- water tanker – purchase of additional tanker being pursued
- air-con on all plant and trucks to be serviced (December)
- electrical wiring on all trailers to be checked and replaced as needed (December)

d) Other

n/a

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1106 Works Report

Moved Cr LJ O'Connor, Seconded Cr EC Rowe

That the Works Foreman's report for October/November 2007 be received.

Motion put and carried 6/0

13.1.2 DALGARANGA-CUE RD AND DALGARANGA-METEORITE RD INTERSECTION

File: R11-77
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 5 November 2007
Attachments: None

MATTER FOR CONSIDERATION

To ratify temporary changes to road intersection signage.

BACKGROUND

Harmony Gold have approval from Council for the operation of road trains on several Shire roads from the Western Queen mine to their Mt Magnet operations for a period of approx. 4 months to haul about 180,000 tonnes of gold ore.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – general function of the local government is to provide for the good governance of the district

Public Works Act 1902 –

- s.86(3) – roads under the control of local governments

STRATEGIC IMPLICATIONS

Safety of road users.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Nick Savage, Harmony Gold
Cr Anderson, Shire President
John Houghton, Heavy Transport operations, Main Roads WA
Cliff Hodder, Works Foreman
Ross Manns, Works Supervisor, Shire of Mt Magnet

COMMENT

Mr John Houghton of MRWA Heavy Transport section, inspected the full length of the road from the Western Queen minesite in Yalgoo Shire, to Harmony Gold operations outside Mt Magnet townsite –

- Dalgaranga-Meteorite Rd,
- Uanna Hills Rd, and
- Dalgaranga-Mt Magnet Rd

The report prepared by him identified several areas within Mt Magnet Shire that needed a fair amount of work, and some sections in Yalgoo that needed minor attention.

The main issue in Yalgoo Shire is the crossroads of the Dalgaranga-Cue Road running from south-west to north-east, with the Dalgaranga-Meteorite Rd to the south-east of the intersection and the mining lease haul road (private) to the north-west.

MRWA recommended in their report that the current traffic priority on Dalgaranga-Cue Rd be switched to Dalgaranga-Meteorite Rd/haul road for the duration of the haulage contract, by the placement of Give Way Signs, as there will be in the order of 17 road trains each way each day. The traffic on the Dalgaranga Cue Road is far less than this at the moment.

Following discussions with a number of people, I authorised the switching of the signs, subject to –

- both approaches to the intersection from Yalgoo direction and from Cue are to be signed with –
 - o Give Way
 - o Changed Traffic Conditions Ahead
 - o Road Trains Entering
- the signs to be removed and traffic priority revert to Yalgoo-Cue Road at the conclusion of Haulage

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council ratify the actions of the CEO in authorising the following temporary change to traffic conditions at the intersection of Dalgaranga-Cue Rd 13 and Dalgaranga-Meteorite Rd 52 and the Western Queen haul road by –

- both approaches to the intersection from direction of Yalgoo and from Cue are to be signed with –
 - o Give Way
 - o Changed Traffic Conditions Ahead
 - o Road Trains Entering
- the signs to be removed and traffic priority revert to Yalgoo-Cue Road at the conclusion of Haulage.

COUNCIL DECISION

C2007-1107 Dalgaranga–Cue Rd and Dalgaranga–Meteorite Rd Intersection

Moved Cr TK Iturbide, Seconded Cr L Hodder

That Council ratify the actions of the CEO in authorising the following temporary change to traffic conditions at the intersection of Dalgaranga-Cue Rd 13 and Dalgaranga-Meteorite Rd 52 and the Western Queen haul road by –

- **both approaches to the intersection from direction of Yalgoo and from Cue are to be signed with –**
 - o **Give Way**
 - o **Changed Traffic Conditions Ahead**
 - o **Road Trains Entering**
- **the signs to be removed and traffic priority revert to Yalgoo-Cue Road at the conclusion of Haulage, and**
- **the approach from Yalgoo to be offset to create a staggered intersection**

Motion put and carried 6/0

REASON FOR VARIATION:

Additional safety condition to the intersection with consent of m/s

13.1.3 EVENTS ON ROADS – MRWA SIGNAGE DELEGATION

File: M1
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 5 November 2007
Attachments: MRWA Letter and Instrument of Authorisation – Events (yellow)

MATTER FOR CONSIDERATION

To consider accepting delegated authority from Main Roads WA for the signing of events on roads.

BACKGROUND

In December 2006, Main Roads wrote to the Shire advising that they were the authorised body under the Road Traffic Act and Regulations for the signage of events on roads, and asking if Council wished to accept the further delegation of authority.

STATUTORY ENVIRONMENT

Road Traffic Act and Regulations

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Additional responsibilities and compliance.

FINANCIAL IMPLICATIONS

Should there be any events, obtaining, placing and recovering signs.

CONSULTATION

None

COMMENT

The delegated authority is for events only, and does not apply to roadworks etc. A separate “Instrument of Authority” has been issued to Local Governments for roadworks signage.

The “events” delegated authority would be useful in communities where there may be a quite a few events over the space of a year, however, in Yalgoo, it is likely that it would only be necessary for the annual Variety Club walk from Golden Grove minesite to the town.

Should Council decline to accept the delegation, application for the events and approval of the signage required would stay with Main Roads WA.

Given the lack of events, and the issues of compliance with the guidelines set by MRWA before approval of the signage for events, the need to develop and implement various procedures, potential for liability, if those guidelines and procedures are not complied with, it is recommended that Council does not accept the delegation.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1108 Events on Roads – MTWA Signage Delegation

Moved Cr LJ O’Connor, Seconded Cr DJ Grey

That the Shire of Yalgoo does not accept the Instrument of Authorisation Relating to Traffic Management for Events, as offered by Main Roads WA.

Motion put and carried 6/0

13.1.4 ANNUAL SUPPLY TENDERS

File: T5 2007-11
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 9 November 2007
Attachments: Greenfield Technical Services – Tender summary (lilac)

MATTER FOR CONSIDERATION

To consider the tenders received for bitumen sealing and aggregate.

BACKGROUND

Calling of the tenders was authorised at the October Council meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Council's Purchasing Policy – tenders over \$100,000

FINANCIAL IMPLICATIONS

Purchase of road materials.

CONSULTATION

Matt Barns, Greenfield Technical Services,
Cliff Hodder, Works Foreman

COMMENT

Tenders were coordinated by Greenfield Technical Services, who have also summarised the information received.

Their Report and recommendations is attached for Council's information.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1109 Annual Supply Tenders

Moved Cr EC Rowe, Seconded Cr TK Iturbide

- (1) That the Shire of Yalgoo award a contract for Supply, Spray, Spread & Cover Service to a panel comprising –**
 - Boral (\$280,874), followed by
 - Pioneer (\$294,464).

- (2) That the Shire of Yalgoo award a contract for Supply & Delivery of Aggregates to Winchester Quarries for \$88,385.**

Motion put and carried 6/0

Mr Cliff Hodder left the meeting at 1:32pm

13.2 DEVELOPMENT

No report to hand

13.3 FINANCE

13.3.1 DCEO – ACTIVITY REPORT OCTOBER 2007

File: N/A
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 1 November 2007
Attachments: Nil

Diploma of Business (Local Government)

Attended the three sessions of eight modules to complete the above course. The three modules included Employment & Inductions, Manage People and Performance Reviews

UHY Haines Norton

Visited UHY to arrange completion of End of Year Financial Statements for 2006-07. Completed required items for the Auditor. Discussed UHY IT Solutions, which will enable UHY to log into the Shire's accounts and be able to manage on-line. Paolo Franzioni from UHY visited the SOY on 31-10-07 to assess the computer network and arrange for various functions to enable the network to increase its performance.

Anderson, Munroe & Wyllie

Council's auditor was present on 19 October 2007 for final audit. Management reports have yet to arrive.

Council Elections

Attended Payne's Find on 19 October and Yalgoo 20 October for Local Government Elections.

Annual Leave

On Annual Leave for two weeks

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1110 DCEO – Activity Report October 2007

Moved, Seconded

That the Deputy CEO's Activity Report for October 2007 be received.

Motion put and carried 6/0

Cr L O'Connor left the meeting at 1:40pm and returned at 1:44pm

13.3.2 FINANCIAL ACTIVITY STATEMENTS – October 2007

File: F8
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 1 November 2007
 Attachments: Financial Activity Statements for October 2007
 Balance Sheet
 Income Statement Detail
 Income Statement by Nature & Type
 Income Statement Summary
 Actual Vs Budget
 Trust Balance Sheet (all green)

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for October 2007.

BACKGROUND

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 31 March 2005 and became effective from 1 July 2005 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

STATUTORY ENVIRONMENT

Local Government Act 1995

- s6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 4.9—Provides that as a base standard for preparation of monthly statements, staff are to prepare a Profit & Loss Vs Actual Report and make comment of items of a 10% variance or \$5,000 from the previous month.

FINANCIAL IMPLICATIONS

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

CONSULTATION

None

COMMENT

None

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1111 Financial Activity Statements October 2007

Moved Cr EC Rowe, Seconded Cr TK Iturbide

**That Council adopt the financial statements for the period ending 31 October 2007, as attached.
Motion put and carried 6/0**

13.3.3 ACCOUNTS PAID DURING THE MONTH OF OCTOBER 2007

File: F8
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 1 November 2007
Attachments: EFT & Cheque Detail for October 2007 (green)

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of October 2007.

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

- Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Account.

CONSULTATION

None

COMMENT

Payments made during the month of October as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1112 Accounts Paid During the Month of October 2007

Moved Cr DJ Grey, Seconded Cr LJ O'Connor

That:

- 1. The Cheque Detail of payments covering vouchers EFT 1 to EFT 66 totalling \$184138 paid during the month of October 2007, be received;**
 - 2. Cheque payments covering cheque numbers 10628 to 10650 totalling \$33646.30 paid during the month of October 2007, be received; and**
 - 3. Salaries and Wages totalling \$70222.66 paid during the month of October 2007, be received.**
- Motion put and carried 6/0**

All Councillors present declared a Financial Interest in item 13.3.4, being councillors eligible under the proposed policy .

NOTE: *The Minister for Local Government and Regional Development, via delegated authority, has approved all Councillors participating in consideration of the item under section 5.69 (3) of the Local Government Act 1995.*

13.3.4 DRAFT POLICY – GIFTS TO COUNCILLORS

File: P11
 Author: Niel Mitchell, Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 22 October 2007
 Attachments: Dept of Local Government and Regional Development (gold)

MATTER FOR CONSIDERATION

To determine a policy with regard to gifts to Councillors resigning, retiring or defeated at election.

BACKGROUND

There have been several enquiries regarding farewell gifts for Councillors not continuing.

STATUTORY ENVIRONMENT

Local Government Act 1995

- s.5.60 – When a person has an interest
- s.5.60A – Financial interest: when a matter may result in a financial gain, loss, benefit or detriment
- s.5.69 – Enables the Minister to exempt Councillors from declaring a financial interest.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Adoption of new policy.

FINANCIAL IMPLICATIONS

Cost of gift on departure

CONSULTATION

Dept of Local Government and Regional Development

COMMENT

Council does not have a policy at this time, and it was suggested that it may be appropriate to consider some recognition for former Councillor Elaine Taylor, who was on Council since May 1992. The Policy if adopted would also apply to all future departures by Councillors.

Please note that the Act does not stipulate that an interest applies only if a benefit results. Even if there is a detriment, an interest must be declared. Therefore, any future changes to the policy, must obtain exemption from the Minister prior to consideration.

Application was made to the Minister for exemption for Councillors to consider the following draft which had been prepared which included –

POLICY STATEMENT

1. *Each departing Councillor shall receive an appropriate plaque or certificate of service.*
2. *The CEO is to arrange a suitable gift for departing Councillors, up to the specified value, after the following periods of service –*
 - *as a Councillor – an amount of \$120 for each completed 4-year term or pro-rata amount for shorter period, to a maximum of \$600.*
 - *as Deputy President – an additional amount of \$30 for each completed 2-year term the office of Deputy President was held, or pro-rata amount for shorter period.*
 - *as President – an additional allowance of \$60 for each 2-year term the office of President was held, or pro-rata amount for shorter period.*

3. *Presentation of the plaque or certificate and gift will generally be made at the final meeting being attended by the Councillor, or at the Annual Shire Christmas function.*
4. *Multiple terms of service as a member of Council are to be considered individually according to each period, and not cumulatively.*

Under delegation authority from the Minister, exemption has been approved, subject to the total gift not exceeding \$500.00, and copies of all declarations of Interest made by Councillors being provided to the Department.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1113 Draft Policy – Gifts to Councillors

Moved Cr EC Rowe, Seconded Cr L Hodder

That Council adopt the following policy –

POLICY 3.18 – COUNCILLORS RECOGNITION OF SERVICE

INTRODUCTION

The Minister for Local Government must give Councillors written exemption from the requirement to declare a financial interest prior to any change to this Policy.

This Policy is a Financial Interest as defined by the Local Government Act s.5.60 and 5.60A and an exemption from the Minister under s.5.69, is therefore required prior to any amendment, alteration or revocation of the Policy whatsoever.

Although Councillors are able to claim travel, meeting expenses etc as of right, it is considered appropriate that there be some recognition from the Shire on behalf of the community, for their commitment to the district.

Where qualifying, enquiries should also be made through the Department of Local Government to obtain a Certificate of Appreciation from the Minister.

OBJECTIVE

To recognise the service of, and show appreciation to, departing Councillors.

POLICY STATEMENT

1. ***Each departing Councillor shall receive an appropriate plaque or certificate of service.***
2. ***The CEO is to arrange a suitable gift for departing Councillors, up to the specified value, after the following periods of service –***
 - ***as a Councillor – an amount of \$120 for each completed 4-year term or pro-rata amount for shorter period.***
 - ***as Deputy President – an additional amount of \$30 for each completed 2-year term the office of Deputy President was held, or pro-rata amount for shorter period.***
 - ***as President – an additional allowance of \$60 for each 2-year term the office of President was held, or pro-rata amount for shorter period.***
 - ***Total cumulative value of the gift is not to exceed \$500.00***
3. ***Presentation of the plaque or certificate and gift will generally be made at the final meeting being attended by the Councillor, or at the Annual Shire Christmas function.***
4. ***Multiple terms of service as a member of Council are to be considered individually according to each period, and not cumulatively.***
5. ***Application for a Certificate of Appreciation from the Minister is to be made through the Department of Local Government, where the retiring Councillor qualifies..***

Motion put and carried 6/0

REASON FOR VARIATION:

To include ‘application to the Minister for a Certificate’ as part of the Policy Statement

13.3.5 CHRISTMAS TREE AND END OF YEAR CELEBRATIONS

File: H2
 Author: Leanda Adams
 Interest Declared: No interest to declare
 Date: 4 November 2007
 Attachments: None

MATTER FOR CONSIDERATION

Christmas tree and end of year celebrations for the residents of Yalgoo Shire.

BACKGROUND

As the year is coming to an end it was thought that there should be a function that will bring all of Yalgoo Shire’s residents together. This links in with Council’s decision of 20 September 2007, directing that part of the refund received from Local Government Insurance Services be expended on a community event.

STAUTORY ENVOIRONMENT

Local Government Act 1995

- s.2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.
- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

Community – To provide the community, cultural, recreational and welfare services, facilities and programs which meet the needs of the community.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Food for Dinner	\$1500
Donation to Sun City Christian Centre	\$500
Fireworks	\$2000
Gifts from Santa	\$400
Prizes for two outstanding Children	\$200
Total cost (estimated)	\$4600

CONSULTATION

The CEO of the Shire of Yalgoo

COMMENT

It is planned that on 14 December 2007 at the Railway Complex we will have a community event to celebrate the end of the year and Christmas. Several organisations have been contacted and it is hoped that the Sun City Christian Centre will bring out their bouncy castle, sumo suits, bungee run, and laser tag for everyone to have fun with. They also have a band that is willing to come if they do not have anything else on. Dinner will be provided followed by a giving of gifts to the children. After this a movie will be shown on what has been happening during the year. Finally, it is hoped that we will have a fifteen minute session of fire works.

Invites will be sent out to all Shire residents and it is hoped that we will get a good mix of people from all areas of the Shire. This will be promoted as a low alcohol event and people will need to bring their own drinks. Invitations will also be sent to a number of people outside the Shire, such as Hon. Vince Catania MLC, Ms Brianna Higgins (FaCSIA) and others.

Letters will also be sent to various organisations seeking their sponsorship of the Health Community Project and this Christmas event specifically.

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1114 Christmas Tree and End of Year Celebrations

Moved Cr L Hodder, Seconded Cr EC Rowe

That Council approve the proposal for a Community Christmas function to be held at the Railway Complex on 14 December 2007, at an estimated cost of \$4600.

Motion put and carried 6/0

COUNCIL DECISION

C2007-1115 Paynes Find community – Christmas function

Moved Cr TK Iturbide, seconded Cr LJ O'Connor

That, subject to RSVP and numbers, Council offer to fund a return trip from Paynes Find to Yalgoo for Paynes Find community to attend the Christmas function in Yalgoo on 14 December 2007.

Motion put and was tied 3/3

As required by the Local Government Act s.5.21 (3), the President cast a second vote and declared –

Motion lost 3/4

Mr Ron Adams left the meeting at 2:21pm and returned at 2:23pm

Cr T Iturbide left the meeting at 2:22pm and returned at 2:24pm

COUNCIL DECISION

C2007-1116 Paynes Find – End of Year Community Function

Moved Cr EC Rowe, Seconded Cr LJ O'Connor

That Council donate \$200 from HCP funds towards a function in Paynes Find to celebrate end of year 2007 with a whole of community event.

Motion put and carried 6/0

13.4 ADMINISTRATION

13.4.1 CEO – ACTIVITY REPORT October 2007

File: E9
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 6 November 2007
 Attachments: Nil

Use of Common Seal

18 Oct Harmony Gold – approval of road train route, and contract to upgrade and maintain during haulage operations
 18 Oct Dept of Families, Children’s Services and Indigenous Affairs – funding agreement to 30 June 2008
 31 Oct Corvino Pty Ltd – Surrender of lease of Old Railway Station complex, as per Council resolution

Use of Delegated Authority not elsewhere reported

None

Harmony Gold

Hamptons, as contractors to Harmony Gold, have commenced upgrading work of the existing road from the Western Queen Mine to Mt Magnet. The unconditional Bank guarantee of \$50,000 has been received.

Mt Gibson Mining

On Friday 2 November, I met with David Quinlivan (CEO), Peter Panek (Project Manager) for Mt Gibson Mining, with Brian Baxter (President), Chris King (Deputy President) and Stan Scott (CEO) of the Shire of Perenjori. The meeting was to discuss the construction and maintenance of Wanarra East Road, for use by Mt Gibson as a haulage road for iron ore to Perenjori. The Shire of Perenjori are keen to take on the contract as a private works, and are currently seeking legal advice on the contract, engineering service for project manager, and generally preparing for the job.

It was advised to the meeting, that the Shire of Yalgoo, had requested Shire of Perenjori to consider the contract of the whole length of road, as –

- it is one of the furthest roads in this Shire from the town,
- means that a single contract, contractor, supervision etc
- same standard the whole length.

Mt Gibson Mining –

- will be contracting out the highway realignment and overpass separately
- are keen for construction to start by end of January 2008, with completion by mid-year

Essentially, although Shire of Perenjori may be undertaking the work, Yalgoo’s approval will be to Mt Gibson to construct and maintain the road to the specified standard, with the commercial and practical aspects being between Mt Gibson Mining and the Shire of Perenjori.

Maintenance of the roads will be a separate contract, and once again, it would make sense for Shire of Perenjori to do the work, as they will be maintaining their 78 km of the 85 km length of the haulage route.

Indigenous Health Worker

Following contact with Peter O’Connell, CEO Shire of Mt Magnet, I notified him of our interest in pursuing the possibility of an Indigenous Health Worker, potentially shared between the Shires of Mt Magnet, Cue, Yalgoo and Sandstone. A suitable person has been working in the Pilbara with the Health Dept for sometime, and is relocating to Mt Magnet, having bought a property in the town. At this stage, Mr O’Connell is pursuing options with various agencies, and full funding of the position looks hopeful. If successful, the person could be involved both in delivery of some environmental health services, but also some children’s programs and educational initiatives.

Meetings

- 10 Oct Norm Hammond – private research into social and community development programs and initiatives
- 15 Oct HCP Reference Group Meeting – insufficient numbers
- 17 Oct Special Council Meeting with John Phillips, WALGA Workplace Relations
- 23 Oct Met Ferrowest Directors and visitors at Yalgoo Airport
- 23 Oct Jason Valentino, CDEP Employment Officer, Meedac
- 1 Nov Wanarra East Road for Mt Gibson Mining
- 2 Nov With Shire of Perenjori, met with Mt Gibson Mining in Perth re Wanarra East Road
- 5 Nov Brendin Flanigan, Mid West Development Commission – general discussion regarding development and initiatives in the area

Future meetings –

- 8 Nov Murray Brown, Murchison Country Zone, and Jenni Law, Dept of Local Government
- 9 Nov Murchison Country Zone in Cue
- 19 Nov Northern Wheatbelt Health Scheme Meeting in Morawa
- 7 Dec Murchison Zone Strategy Group Meeting in Cue

Awaiting confirmation of date and items for discussion from Oxiana Golden Grove.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1117 CEO Activity Report October 2007

Moved Cr EC Rowe, Seconded Cr LJ O'Connor

That the CEO's Activity Report to 6 November 2007 be received.

Motion put and carried 6/0

13.4.2 LOCAL GOVERNMENT ACT AMENDMENTS

File: L10
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 6 November 2007
 Attachments: Local Government Act amendments – Part 5 Division 9
 Rules of Conduct Regulations
 Information relating to breaches, and reporting (blue)

MATTER FOR CONSIDERATION

To note the introduction of the Rules of Conduct Regulations.

BACKGROUND

Over the past several years, the introduction of compulsory Rules of Conduct has been discussed and is now enacted.

STATUTORY ENVIRONMENT

Local Government Act 1995 –
 - Part 5 Division 9 Conduct of certain officials – s.102A to 125
 Local Government (Rules of Conduct) Regulations 2007

STRATEGIC IMPLICATIONS

Compliance with the Regulations by elected members

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

The Rules of Conduct have been widely publicised for quite some time, and have recently been enacted. The Rules replace Council's adopted Code of Conduct in their application to Elected Members, and do not apply to staff or Committee members who are members of the public.

In order to implement the Rules of Conduct, there has been amendments to the Local Government Act, with the addition of Part 5 Division 9 to the Act (new sections 5.102A and following), relating to conduct.

A number of matters that must be brought to Council's attention –

- the introduction of defined serious and minor breaches
- the requirement for CEO or appointed Complaints Officer to report breaches
- the listed serious and minor breaches as noted on the Forms
 - o minor breaches being dealt with by a Standards Panel
 - o recurrent breach may be referred to the State Administrative Tribunal
 - o serious breaches are to be considered by the State Administrative Tribunal
- it is an offence to –
 - o discuss a complaint once it has been lodged
 - o to make a misleading or false complaint

It should be noted that the Rules of Conduct came into force on 21 October 2007, immediately after the recent Local Government elections.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATIONS/COUNCIL DECISIONS

C2007-1118 Local Government Act Amendments

Moved Cr LJ O'Connor, Seconded Cr DJ Grey

- (1) That Council acknowledges –
- the amendments to the Local Government Act Part 5 Division 9 relating to conduct of certain officials
 - the enactment of the Local Government (Rules of Conduct) Regulations 2007, as of 21 October 2007
- (2) That in accordance with the Local Government Act s.5.120, the CEO is appointed as Complaints Officer for matters relating to Conduct.

Motion put and carried 6/0

ADJOURNMENT

The meeting adjourned at 2:52 and resumed at 3:09 with all those present before the adjournment present once again.

RATE DRAW BY PRESIDENT

The prize draw for early payment of rates was held.

The number drawn by the President was Receipt no. 1072 – Assessment 235 Oxiana Golden Grove Pty Ltd

Mr Ron Adams left the meeting at 3:10pm and returned at 3:11pm

13.4.3 COUNCIL DELGATES TO EXTERNAL ORGANISATIONS

File: C10-1
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 6 November 2007
 Attachments: None

MATTER FOR CONSIDERATION

To determine Council nominations to external organisations.

BACKGROUND

Council is involved in a number of regional organisations, and nominates delegates to other organisations from time to time.

STATUTORY ENVIRONMENT

Local Government Act 1995 –
 - s.3.1 – Good governance of the district

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

In April 2007, the following organisations were listed as being authorised for payment of travel –

- Murchison Vermin Regional Council
- Murchison Country Zone of WALGA
- Murchison Zone Strategy Group
- Northern Wheatbelt Health Scheme
- Midwest Regional Road Group and sub-Group

As these organisations are not Committees of Council, meeting fees cannot be paid by the Shire, although the organisation may. Travel can only be paid if authorised by Council prior, either by specific decision or by policy.

As they are not Council Committees, Council may appoint their delegates by position, and can also nominate deputy delegates to the organisation.

In the past, it appears Council has nominated delegates to organisations as the need arose or a meeting was notified, and I am not aware of delegates having been nominated for a term. It is suggested that –

- Council review all nominations of delegates to external organisations after each ordinary Local Government election
- the nomination as delegate be held until the first Council meeting after the next ordinary Local Government election, or until resignation as delegate, or disqualified as a Councillor,
- that interim nominations be made as necessary
- a direction be given as to precedence should the delegate, deputy delegate be unable to attend

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATIONS COUNCIL DECISIONS

- (1) That all nominations as Council delegates to external organisations be reviewed at the first meeting following the ordinary Local Government elections, and new nominations to be delegates until the meeting following the next ordinary Local Government elections.
- (2) Should a delegate or deputy delegate resign their nomination or become disqualified to continue as a Councillor, the nomination lapses immediately, and Council will decide a new nomination at the next meeting.
- (3) Subject to the Constitution or Rules of the Organisation, if precedence needs to be determined due to unavailability or for some other reason, the order of priority will be –
 - Council's nominated delegate
 - Council's nominated deputy delegate
 - President
 - Deputy President
 - Past Presidents in order of most recent retirement
 - Councillors in order of length of service

COUNCIL DECISION

C2007-1119 Council Delegates to External Organisations

Moved Cr TK Iturbide, Seconded Cr DJ Grey

- (1) That all nominations as Council delegates to external organisations be reviewed at the first meeting following the ordinary Local Government elections, and new nominations to be delegates until the meeting following the next ordinary Local Government elections.
- (2) Should a delegate or deputy delegate resign their nomination or become disqualified to continue as a Councillor, the nomination lapses immediately, and Council will decide a new nomination at the next meeting.
- (3) Subject to the Constitution or Rules of the Organisation, if precedence needs to be determined due to unavailability or for some other reason, the order of priority will be –
 - Council's nominated delegate/s
 - Council's nominated deputy delegate/s
 - President
 - Deputy President
 - Past Presidents in order of most recent retirement
 - Councillors in order of length of service
 - CEO

Motion put and carried 6/0

REASON FOR VARIATION:

To add the CEO to order of priority, enabling them to be a delegate of Council where appropriate.

OFFICER RECOMMENDATION

That Council nominates the following people to the external organisations listed –

- Murchison Vermin Regional Council –
 - o Delegate/s – _____
 - o Deputy delegate/s – _____
- Murchison Country Zone of WALGA –
 - o Delegate/s – _____
 - o Deputy delegate/s – _____
- Murchison Zone Strategy Group –
 - o Delegate/s – _____
 - o Deputy delegate/s – _____
- Northern Wheatbelt Health Scheme –
 - o Delegate/s – _____
 - o Deputy delegate/s – _____
- Regional Road Group and sub-Group–
 - o Delegate/s – _____
 - o Deputy delegate/s – _____

COUNCIL DECISION

C2007-1120 Council Delegates to External Organisations

Moved Cr EC Rowe, Seconded Cr L Hodder

That Council nominates the following people to the external organisations listed –

- **Murchison Vermin Regional Council –**
 - o **Delegate/s (2) – Crs Morrissey, Grey**
 - o **Deputy delegate/s – none**
- **Murchison Country Zone of WALGA –**
 - o **Delegate/s (2) – Crs Anderson, Rowe**
 - o **Deputy delegate/s – Cr O’Connor**
- **Murchison Zone Strategy Group –**
 - o **Delegate/s (2) – President and CEO**
 - o **Deputy delegate/s – none**
- **Northern Wheatbelt Health Scheme –**
 - o **Delegate/s (2) – Crs Anderson, Iturbide**
 - o **Deputy delegate/s – Cr O’Connor**
- **Regional Road Group and sub-Group–**
 - o **Delegate/s (1) – Cr Anderson**
 - o **Deputy delegate/s – Cr Rowe**
- **Yalgoo LCDC–**
 - o **Delegate/s – Crs Anderson, Rowe**
 - o **Deputy delegate/s – Cr Iturbide**

Motion put and carried 6/0

REASON FOR VARIATION

To specify the names of delegates to external organisations.

13.4.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE – APPOINTMENT

File:

Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 6 November 2007
 Attachments: None

MATTER FOR CONSIDERATION

The establishment and appointment of the Committee.

BACKGROUND

While the establishment of committees is largely up to the individual Council, a Local Emergency Management Committee is required by legislation.

STATUTORY ENVIRONMENT

State Emergency Management Act –

38. Local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) *to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;*
- (b) *to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) *to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

State Emergency Management Policy 2.5 –

- Emergency Management in Local Government Districts

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Sgt Darren Gill, Officer in Charge, Yalgoo Police
 Bill Atkinson, CEO Shire of Sandstone
 Max Barker, Regional Manager, Fire and Emergency Services

COMMENT

The establishment of the Committee is required, as is the development of both –

- Emergency Event Management Plan, and
- Emergency Event Recovery Plan

The SEM Policy provides that the LEMC may consist of –

- Council members, employees and other persons
- Council members and other persons
- Employees and other persons

Under the Policy, the LEMC –

- Chairman is to be appointed by the Local Government (not necessarily a Councillor)
- must have the Local Emergency Coordinator on the Committee – this person is appointed by the State Emergency Coordinator for this area (for Yalgoo, this is the OIC Yalgoo Police)
- is recommended to consider for membership –
 - o a local government representative, if not the Chairman
 - o representatives from Emergency Management Agencies in the area
 - o other representatives considered appropriate by the local government

Meetings are required to be held at least once every three months.

Once nominees of relevant organisations in the community are known, formal appointment of the Committee, Chairman, terms of office etc, can be made.

One of the first tasks of the Committee will be to review the Yalgoo Emergency Management and Recovery Plans, currently being drafted.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/

That, prior to formal establishment of the Yalgoo Local Emergency Management Committee, and in addition to the Yalgoo Police Officer in Charge, the following organisations be invited to nominate a representative to the Committee –

- Yalgoo Town Bushfire Brigade
- Yalgoo St John Ambulance Brigade
- Yalgoo Nursing Post
- Oxiana Golden Grove

COUNCIL DECISION

C2007-1121 Local Emergency Management Committee – Appointment

Moved, Seconded

That, prior to formal establishment of the Yalgoo Local Emergency Management Committee, and in addition to the Yalgoo Police Officer in Charge, the following organisations be invited to nominate a representative to the Committee –

- **Yalgoo Town Bushfire Brigade**
- **Yalgoo St John Ambulance Brigade**
- **Yalgoo Nursing Post**
- **Oxiana Golden Grove**
- **Department of Environment and Conservation**

Motion put and carried by an absolute majority 6/0

REASON FOR VARIATION

To add Dept of Environment and Conservation to the Committee, being the holders of many pastoral leases within the Shire.

13.4.5 HEALTHY COMMUNITY PROJECT REFERENCE GROUP

File: H2-4
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 6 November 2007
 Attachments: None

MATTER FOR CONSIDERATION

The establishment and appointment of the Healthy Community Reference Group.

BACKGROUND

While the establishment of committees is largely up to the individual Council, there are two Committees that are required by legislation –

- Local Government Act requires an Audit Committee to be appointed
- State Emergency Management Act requires a Local Emergency Management Committee to be established.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.9 – Establishment of a Committee – by absolute majority
- s.5.10 – Appointment of Committee members – by absolute majority

STRATEGIC IMPLICATIONS

Community consultation for the Healthy Community Project

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

As noted in a memo to Councillors on 26 October, a decision does need to be made regarding the Healthy Community Project Reference Group, as to whether it is –

- a formal Committee of Council, or
- a community forum or meeting to enable community members to raise matters in a less structured environment than a formal Committee or full Council meeting

Under the Local Government Act, Committees, among other things –

- elect their own presiding member, not Council
- must have only those members appointed by name by Council – voting is not open to all attending the meeting,
- appointment cannot be by position (eg School Principal, OIC Police), but the name of the appointee must be specified
- there is no legal authority for Council to appoint deputies for members of a Committee
- must have a public question time – but otherwise people may only speak if recognised by the presiding member
- must comply with the Code of Conduct adopted by Council (different to the Rules of Conduct Regulations)

If a meeting is not a formal Committee –

- it cannot be given any delegated authority whatsoever
- meeting fees are not paid, as it is not a Committee of Council
- travelling may be paid if authorised by Council in advance
- it is an open meeting, anyone may attend, speak and vote, as it does not rely on Council appointment

It is understood that the primary function of HCP meetings is to ensure community consultation, and opportunity for residents to have a direct say and input into the Project.

After discussion with the Local Government Dept, two options were suggested –

- appointment as a Committee – noting that only the appointed persons may vote, move or second motions, but that the meeting may suspend standing orders to allow for free discussion. This would still disenfranchise current community members who have moved, seconded and voted on motions.
- establish the meetings as a “working party” or whatever term is preferred – with the limitations noted previously. DLGRD also recommend that Council put in place an appropriate framework as it is still being run as a meeting under the Shire’s oversight, and suggested that the Guidelines on Council Forums may give some assistance, although not directly applicable.

Matters to consider for the framework –

- as far as possible, it should emulate the functions of a Committee where possible –
 - o notice of meetings,
 - o agendas,
 - o notes to be taken (not minutes, as it is not a Committee),
 - o application of Standing Orders
 - o minimum number of attendees for a valid meeting
- financial interests should be declared
- no delegated authority is to be given, either specific or implied
- matters arising from meetings, to be dealt with by Council through Officer’s Reports

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATIONS/COUNCIL DECISIONS

C2007-1122 Healthy Community Project Reference Group

Moved Cr EC Rowe, Seconded Cr L Hodder

- (1) That the Healthy Community Project Reference Group be established as public consultative meeting, and not as a Committee of Council.**
- (2) In addition to being open to the community, that representatives of the following organisations continue to be invited to participate in the Healthy Community Reference Group –**
 - **Yalgoo Primary School**
 - **Yalgoo Nursing Post**
 - **Yalgoo Police**
 - **others as considered necessary or appropriate from time to time.**
- (3) That Healthy Community Project Reference Group meetings, while recognising that its primary purpose is to ensure that the community is consulted, and has a direct opportunity for input into Council processes, are to operate as close as is reasonable to the requirements of a formal Committee, e.g. –**
 - **notice of meeting, and advertising in the Yalgoo Bulldust and Notice Board (formal local public notice not required)**
 - **agendas to be prepared for meetings**
 - **notes of meetings to be taken and presented to Council via Officer’s Report for consideration and direction**
 - **Standing Orders to generally apply**
 - **no action is to be taken on matters arising from meetings, without authorisation of Council, either prior to the meeting, or as directed by Council**
- (4) That the basic framework for the Healthy Community Reference Group be as follows –**
 - **no delegated authority, either specific or implied, is given to the Reference Group**
 - **the Reference Group is to be resourced by Shire staff as directed by the CEO**
 - **for a valid meeting, five (5) voting participants are required**
 - **staff generally to attend Reference Group meetings are the CEO, Healthy Community Coordinator and Community Capacity Builder**
 - **staff members are not to move, second or vote on motions before the meeting.**

Motion put and carried 6/0

OFFICER RECOMMENDATION

That the following people be Council's nominees to participate in Healthy Community Reference Group Meetings –

_____, _____, _____

COUNCIL DECISION

C2007-1123 Healthy Community Project Reference Group

Moved Cr DJ Grey, Seconded Cr LJ O'Connor

That the following people be Council's nominees to participate in Healthy Community Reference Group Meetings –

Cr L Hodder, Cr TK Iturbide, Cr EC Rowe

Motion put and carried 6/0

REASON FOR VARIATION

To specify the names of delegates to the Healthy Community Project Reference Group meetings.

13.4.6 ANNUAL REPORT – Year Ending 30 June 2007

File: A10
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 9 November 2007
 Attachments: Draft Annual Report – under separate cover

MATTER FOR CONSIDERATION

To accept the Annual Report for the Year Ending 30 June 2007.

BACKGROUND

A local government must prepare an Annual Report each financial year.

The Annual Report includes:

- President's report
- Chief Executive Officer's report
- Compliance statements/reports relating to the Plan for the Future, National Competition Policy, Disability Services Plan and Records Keeping Plan
- Financial statements
- Auditor's Report

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.27 – Annual Electors meeting to be held within 56 days of acceptance of the Annual Report
- s.5.53 – an annual report must be prepared and details the items that should be included.
- s.5.54 – the Annual Report must be accepted by the local government not later than 31 December after the financial year, or if the Auditor's report is not available by this date not later than 2 months after the Auditor's Report becomes available.
- s.5.55 – the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after the Report has been accepted.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

The annual financial report presents the financial performance for the past financial year and is scrutinised by an independent audit to ensure compliance with legislation and accounting standards. The financial impact upon the current financial year is that the audited net current assets position becomes the actual brought forward surplus (deficit) for the Rate Setting Standard.

CONSULTATION

Ron Adams, Deputy CEO

COMMENT

The Independent Audit Report and Audit Management Report were received on 9 November 2007.

Both reports are being submitted to the Audit Committee for their meeting on 15 November 2007 (to be held during an adjournment of the Council meeting). The minutes of the Audit Committee will be provided to Council later in the meeting. The Audit Report offered a qualified opinion regarding the 31 December 2006 Compliance Audit Return, which noted breaches of the Local Government Act 1995 and Regulations.

In summary the Shire recorded a net operating deficit of \$48,787, indicating that much of the backlog of work from previous years had been caught up. The Shire's balance sheet continues to improve with total equity being \$18,927,034.

The Shire's cash position has also improved compared to both the budget and the previous financial year with cash at the end of the year increasing to \$2,118,110 from \$1,545,862 at the start of the year.

Cash Backed Reserves also showed an improvement moving to \$1,338,178 from \$1,211,626 at the start of the year.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1124 Annual Report – Year Ending 30 June 2007

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That the Annual Report for the Year Ending 30 June 2007 be accepted.

Motion put and carried by an absolute majority 6/0

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None

15. URGENT BUSINESS

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1125 Admit Urgent Business

Moved Cr EC Rowe, Seconded Cr LJ O'Connor

That Council admits the following matters for discussion and decision –

15.1 – Audit Committee

15.2 – LGMA Functional Communities Conference

Motion put and carried 6/0

15.1 AUDIT COMMITTEE

File: A14-1
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 9 November 2007
 Attachments: None

MATTER FOR CONSIDERATION

To receive the Minutes and authorise the recommendations of the Audit Committee Meeting to be held on 15 November 2007.

BACKGROUND

The Audit Committee is expected to be held on Thursday 15 November 2007, and the Minutes presented at the Ordinary Meeting later that day.

STATUTORY ENVIRONMENT

Local Government Act –

- s.7.12A (4) – copy of the report in respect to an audit is to be forwarded to the Minister

Audit Regulations 1996 –

- r.16 – functions of an Audit Committee

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

none

CONSULTATION

Audit Committee

COMMENT

The Auditor's Report was received on 9 November 2007, and a report to the Minister is required within six months of receipt of the Report.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1126 Audit Committee Minutes

Moved Cr TK Iturbide, Seconded Cr DJ Grey

That–

- a) Council receive the minutes of the Audit Committee meeting held on 15 November 2007;**
- b) Council authorise the report of the CEO as contained in the Minutes; and**
- c) a copy of the report of the Chief Executive Officer, as contained in the Minutes, be sent to the Minister for Local Government and Regional Development.**

Motion put and carried 6/0

C2007-1127 Commendation to staff

Moved Cr TK Iturbide, Seconded Cr DJ Grey

That Council's commendation to staff involved in the preparation of accounts for the financial year ended 30 June 2007 be noted.

Motion put and carried 6/0

Cr L Hodder made a Declaration of Interest Affecting Impartiality, the interest being he is a family member of one of the proposed participants.

15.2 LGMA Functional Communities Conference

File: C13
 Author: Ron Adams, DCEO
 Interest Declared: No interest to disclose
 Date: 6 November 2007
 Attachments: Functional Communities Conference Program (yellow)

MATTER FOR CONSIDERATION

To approve sending two community delegates to the Local Government Managers' Association (LGMA) Functional Communities Program.

BACKGROUND

The LGMA is holding a conference on Functional Communities with an emphasis on Local Government and Discrete Indigenous Communities. See attached information on selected speakers and subjects.

As this is the first conference of this type, the LGMA is excited about its program and will be developing further programs for indigenous communities in the future.

The Healthy Community Co-ordinator and the Community Capacity Builder will be registered to attend the conference as part of their Professional Development.

It is proposed that a delegate from each of the two main family groups in Yalgoo also be invited to attend the two day conference. Finding delegates from these two families proved a challenge in itself.

Thomas (TK) Hodder has agreed in principle, along with Josh Simpson, to attend the conference. Josh, who is only thirteen, has already made a mark on his community with excellent reports from his school studies and has delivered some polished public speaking performances. TK Hodder is still a young man and is considered along with Josh a community leader and capable of leading their families into the future for Yalgoo.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.2.7 (2) – Council to oversee allocation of local government finances and resources

STRATEGIC IMPLICATIONS

Community – to harness the enormous talents of all community members for the benefit of the community.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Registration and accommodation for to be provided by the Healthy Community Project. A grant application will be made to LGMA for TK Hodder and Josh Simpson to attend. Registration is \$770 per person plus accommodation.

CONSULTATION

Greg Daniel, Healthy Community Co-ordinator
 Leanda Adams, Community Capacity Builder
 Niel Mitchell, CEO
 TK Hodder
 Josh Simpson
 Margaret Simpson
 Steve Cole, LGMA

COMMENT

In light of recent community unrest and difficulties experienced with local law and order along with members of the community expressing their concerns at the last Council meeting, the opportunity to engage the future leaders of the Yalgoo community could reap some benefit in coming years.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1128 LGMA Functional Communities Conference

Moved Cr TK Iturbide, Seconded Cr LJ O'Connor

That Council approve the expenditure of approximately \$2000 for the registration of TK Hodder and Josh Simpson to attend the LGMA Functional Communities conference on 5–6 December 2007.

Motion put and carried 6/0

16. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

None

17. NEXT MEETING

The next Ordinary Meeting of Council will be held on Tuesday, 18 December 2007 commencing at 11.00am.

18. MEETING CLOSURE

The President welcomed newly elected Councillor Terry Iturbide to her first meeting, and there being no further business, declared the meeting closed at 4:03pm

DECLARATION

These minutes were confirmed by Council at the Ordinary meeting held on _____ as a true and correct record of proceedings.

Signed _____
Person presiding at the meeting at which these minutes were confirmed