



AGENDA  
FOR THE ORDINARY MEETING  
OF COUNCIL  
TO BE HELD IN  
THE COMMUNITY CENTRE, PAYNES FIND  
ON 30 SEPTEMBER 2016  
COMMENCING 11.00 AM



# SHIRE OF YALGOO

## NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COMMUNITY CENTRE. PAYNES FIND ON 30 SEPTEMBER 2016 COMMENCING AT 11.00 AM.

**Silvio Brenzi**

Chief Executive Officer



## CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS .....	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE .....	3
3.	DISCLOSURE OF INTERESTS.....	3
4.	PUBLIC QUESTION TIME .....	4
4.1	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	4
4.2	QUESTIONS WITHOUT NOTICE.....	4
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	4
6.	APPLICATIONS FOR LEAVE OF ABSENCE .....	4
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	4
7.1	MEETINGS ATTENDED BY ELECTED MEMBERS.....	4
8.	CONFIRMATION OF MINUTES .....	5
8.1	ORDINARY COUNCIL MEETING.....	5
8.2	SPECIAL COUNCIL MEETING .....	5
9.	REPORTS OF COMMITTEE .....	5
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters .....	6
10.1	INFORMATION ITEMS.....	6
11.	MATTERS FOR DECISION.....	6
11.0	MATTERS BROUGHT FORWARD.....	6
11.1	TECHNICAL SERVICES.....	7
11.1.1	Progress Report on the Capital Works Program 2016 - 2017 .....	7
11.2	DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH .....	11
11.3	FINANCE.....	11
11.3.1	Financial Activity Statements and Accounts Paid for the Period ended the 31 July 2016	11
11.3.2	Accounts for Payment July 2016 .....	13
11.3.3	Investments as at 31 July 2016.....	16
11.4	ADMINISTRATION.....	19
11.4.1	Report on Matters Outstanding as at 15 September 2016.....	19
11.4.2	Report on Conference Attendance to 3 <sup>rd</sup> National Indigenous Economic Development Forum .....	21
	<b>Report on Conference Attendance .....</b>	<b>23</b>
11.4.3	Appointment of Bush Fire Control Officers.....	24
11.4.4	Report on Conference Attendance to 2016 National Local Roads and Transport Congress <b>Report on Conference Attendance .....</b>	<b>29</b>
11.4.5	Report on Report on Wild Dog Bounty Scheme.....	30
	<b>Report on Wild Dog Bounty Scheme .....</b>	<b>31</b>
11.4.6	Report on Consultation Paper Regional Subsidiaries Legislation.....	32
	<b>Report on Consultation Paper Regional Subsidiaries Legislation .....</b>	<b>34</b>
12.	NOTICE OF MOTIONS.....	38
12.1	PREVIOUS NOTICE RECEIVED.....	38
13.	URGENT BUSINESS.....	38

14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	38
	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	38
	Local Government Act 1995 .....	38
15.	NEXT MEETING .....	40
16.	MEETING CLOSURE .....	40



Agenda for the Ordinary Meeting of the Yalgoo Shire Council,  
to be held in the Community Centre, Paynes Find,  
on 30 September 2016 commencing at 11.00 am.

**PLEASE TURN OFF ALL MOBILE PHONES PRIOR TO THE COMMENCEMENT OF THE MEETING**

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF  
ABSENCE

APOLOGIES

**3. DISCLOSURE OF INTERESTS**

Disclosures of interest made before the Meeting



## **8. CONFIRMATION OF MINUTES**

### **8.1 ORDINARY COUNCIL MEETING**

#### **Background**

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

#### **Voting Requirements**

Simple majority

#### **OFFICER RECOMMENDATION**

##### **Minutes of the Ordinary Meeting**

**That the Minutes of the Ordinary Council Meeting held on 19 August 2016 be confirmed.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

### **8.2 SPECIAL COUNCIL MEETING**

#### **Background**

Minutes of the Special Meeting of Council held on 29 August 2016 have previously been circulated to all Councillors.

#### **Voting Requirements**

Simple majority

#### **OFFICER RECOMMENDATION**

##### **Minutes of the Special Meeting**

**That the Minutes of the Special Meeting of Council held on 29 August 2016 be confirmed.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

## **9. REPORTS OF COMMITTEE**

## **10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters**

### **10.1 INFORMATION ITEMS**

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (e.g.: matters affecting employee/s or the personal affairs of any person).

## **11 MATTERS FOR DECISION**

### **11.0 MATTERS BROUGHT FORWARD**



## **11.1 TECHNICAL SERVICES**

### **11.1.1 Progress Report on the Capital Works Program 2016 - 2017**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 September 2016
Attachments	Nil

#### **Matter for Consideration**

To receive the Progress Report on the 2016 – 2017 Capital Works Program.

#### **Background**

The Shire in adopting its 2016 – 2017 Annual Budget has allocated funds amounting to \$3,182,204 for the purpose of acquiring capital assets and undertaking infrastructure works.

#### **Statutory Environment**

Nil

#### **Strategic Implications**

Timely delivering of the various capital projects which will deliver the objectives of the Community Strategic Plan.

#### **Policy Implications**

Nil

#### **Financial Implications**

To deliver the Capital Works Program within the budgeted allocations.

#### **Consultation**

Nil

#### **Comment**

The Capital Works Projects for the 2016-2017 financial year are detailed below:

## CAPITAL WORKS PROGRAMME 2016-17

The following assets and works are budgeted to be acquired or undertaken during the year:

		2016-17 ANNUAL BUDGET	2016-17 JULY BUDGET	2016-17 JULY ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	YTD \$	\$	
<b>By Program</b>						
<b>Governance</b>						
000000- Admin Cente - Refurbish Morning Tea / Public Meeting Room	F & E	5,000	0	0		The CEO to provide a verbal update on the status of the capital projects as at 31 July 2016
000000-Council Chamber Chairs Replacement	F & E	10,000	0	0		
000000-Council Chamber Improvements	F & E	5,000	0	0		
000000- Admin Centre - New Front Reception Counter	F & E	8,140	0	0		
000000- Admin Centre - Internal Painting	L & B	15,000	0	0		
000000- Admin Centre - Records Fit Coolroom Panel to Sea Container	L & B	16,800	0	0		
000000- Admin Centre - Covered Area Carpark	L & B	11,000	0	0		
000000- Motor Vehicle CEO	P & E	90,000	0	0		
<b>Housing</b>						
000000- Housing - Security Systems	F & E	60,248	0	0		
000000-Staff Housing - 3 Storage Shed	L & B	17,400	0	0		
000000-Staff Housing - 19b Stanley Street Security Screens	L & B	2,000	0	0		
000000-Staff Housing - 6 Henty street Replace Carpet with Floor Board	L & B	7,000	700	0	700	The works not yet commenced
000000-Staff Housing - 8 Henty street Colorbond Fence Front	L & B	3,000	300	0	300	The works not yet commenced
000000-Staff Housing - Power to 3 Storage Sheds	L & B	8,000	800	0	800	The works not yet commenced
000000-Staff Housing -75 Weekes Street Landscaping	L & B	5,000	500	0	500	The works not yet commenced
000000-Staff Housing -8 Henty Street Landscaping	L & B	5,000	500	0	500	The works not yet commenced
000000-Staff Housing - 19b Stanley Street Floorboards, Gate,Skylight	L & B	4,500	450	0	450	The works not yet commenced

<b>Community Amenities</b>						
000000- Mobile Ablution Block	L & B	15,000	0	0		
<b>Recreation and Culture</b>						
000000 - Arts and Crafts Building	L & B	381,837	0	0		
000000 - Community Hall - Detailed Plan for Renovations	L & B	10,000	0	0		
000000 -Community and Youth Centre CLGF 2012-13 Unspent	L & B	44,222	0	0		
000000- Kubota Utility Parks	P & E	28,000	0	0		
000000- Truck 3 Tonne Parks	P & E	64,000	0	0		
000000- Replace Playground Equipment - Shamrock Park	Recreation	45,000	0	0		
000000- New Fence - Shamrock Park	Recreation	5,000	0	0		
000000 - 2 Replacement Irration Pumps	Recreation	8,000	0	0		
000000 - Community/ School Oval Shared Use Development	Recreation	400,000	0	0		
000000-Paynes Find Beautification	Other	78,658	0	0		
<b>Transport</b>						
000000- Ablution Block Depot	L & B	20,000	0	0		
000000- Electric Boundary Fence Depot	L & B	45,500	0	0		
000000- Trailer Float Reconditioning	P & E	30,000	0	0		
000000-Mobile Batching Plant	P & E	68,700	0	0		
000000- 3qm Agitator Truck Second Hand	P & E	35,000	0	0		
000000- Motor Vehicle Works Foreman	P & E	75,000	0	0		
000000- Works Truck	P & E	92,000	0	0		
ROADS TO RECOVERY GRANTS						
000000- Paynes Find Airstrip Fence	Other	45,000	0	0		
000000- Yalgoo/Morawa Road - Widen	Roads	400,000	0	0		
000000- Yalgoo/Ninghan Road - Shoulder Binding	Roads	180,000	0	0		
000000- Yalgoo/Ninghan Road - Seal	Roads	212,310	0	0		
000000- Yalgoo/Morawa Road - Reseal Program	Roads	5,255	0	0		
RRG SPECIAL GRANT RD WORKS						
000000- Yalgoo/Ninghan Road -Reform and Resheet to 8M Wide Slk 25-32	Roads	322,564	0	660	(660)	No budgeted expenditure for July 2016 ,expenditure within overall budgeted allocation



## 11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

Nil

## 11.3 FINANCE

The Financial Statements will be provided to members prior to the meeting

### 11.3.1 Financial Activity Statements and Accounts Paid for the Period ended the 31 July 2016

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 September 2016
Attachments	<ul style="list-style-type: none"><li>• Statement of Comprehensive Income ending the 31 July 2016;</li><li>• Statement of current Financial Position;</li><li>• Financial Activity Statement;</li><li>• Summary of Current Assets and Current Liabilities as of 31 July 2016;</li><li>• Detailed worksheets;</li><li>• Other Supplementary Financial Reports:<ul style="list-style-type: none"><li>○ Reserve Funds;</li><li>○ Loan Funds;</li><li>○ Trust Fund</li></ul></li></ul>

#### Matter for Consideration

Adoption of the Monthly Financial Statements.

#### Background

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed.

#### Statutory Environment

##### *Local Government Act 1995*

Section 6.4—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**

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

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

### **Policy Implications**

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

### **Financial Implications**

Payments from Council's Municipal Account as disclosed in the budget or subsequently approved.

### **Consultation**

Dominic Carbone – Dominic Carbone & Associates

### **Comment**

The Shire prepares the monthly financial statements in the statutory format along with the other supplementary financial reports comprising of:

- Statement of Comprehensive Income;
- Statement of Financial Position;
- Reserve Funds;
- Loan Funds;
- Trust Fund.

The areas where material variances have been experienced (10% or \$10,000 above or below budget) are commented on in the material variance attachment.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION**

#### **R34 (1) Financial Activity Statements for the Period ended the 31 July 2016**

**That Council adopts the Financial Activity Statement for the period ended 1 July 2016**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

### 11.3.2 Accounts for Payment July 2016

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 September 2016
Attachments	Nil

#### Matter for Consideration

Council approve the Accounts for payment list for the period 1 July 2016 to 31 July 2016 as detailed in the report below.

#### Background

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer to present a list of accounts paid and/or payable to Council and such to be recorded in the minutes of the meeting.

#### Statutory Environment

##### Local Government Act 1995

##### 6.10 Financial Management regulations

Regulations may provide for –

- a. The security and banking of money received by a local government' and
- b. The keeping of financial records by a local government; and
- c. The management by a local government of its assets, liabilities and revenue; and
- d. The general management of, and the authorisation of payments out of –
  - I. The municipal fund; and
  - II. The trust fund, of a local government.

##### Local Government (Financial Management) Regulations 1996

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
  1. If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –
    - I. The payee's name; and
    - II. The amount of the payment; and
    - III. The date of the payment; and
    - IV. Sufficient information to identify the transaction.
  2. A list of accounts for approval to be paid is to be prepared each month showing –
    - a. For each account which requires council authorisation in that month –
      - I. The payee's name; and
      - II. The amount of the payment; and
      - III. Sufficient information to identify the transaction; and
    - b. The date of the meeting of the council to which the list is to be presented.
  3. A list prepared under subregulation (1) or (2) is to be –

- a. Presented to the council at the next ordinary meeting of the council after the list is prepared; and
- b. Recorded in the minutes of that meeting.

**Strategic Implications**

Nil

**Financial Implications**

Nil

**Consultation**

Nil

**Comment**

The list of accounts paid for the period 1 July 2016 to 31 July 2016 are as follows

**SHIRE OF YALGOO  
LIST OF ACCOUNTS PAID AND PAYABLE  
FOR THE PERIOD 1 JULY 2016 TO 31 JULY 2016**

DATE	PAYEE	PARTICULARS	AMOUNT
PAID			\$
1/07/2016	BOC LIMITED	INDUSTRIAL GASES	843.24
1/07/2016	EXTENSION HILL PTY LTD		38.60
1/07/2016	HORIZON POWER	POWER SUPPLY CHARGES	9,122.39
1/07/2016	KATIE FLANAGAN	VOLUNTEERING ANZAC DAY	100.00
1/07/2016	PIVOTEL SATELLITE PTY LTD	SATELLITE PHONE CHARGES	634.00
1/07/2016	TARGET	PROJECT EXPENSES HCP	807.50
1/07/2016	TELSTRA CORPORATIONLTD	OFFICE,HOME AND MOBILE TELEPHONE CHARGES	20,681.12
1/07/2016	WATER CORPORATION	WATER USE AND CHARGES	7,588.17
1/07/2016	RECORDS ARCHIVES HISTORICAL MANAGEMENT	CONSULTANCT FEES RECORD MANAGEMENT	1,595.00
1/07/2016	NAB	MERCHANT FEES	153.30
4/07/2016	WESTNET	INTERNET CHARGES	220.00
5/07/2016	PAYROLL	NET SALARIES AND WAGES PAID	41,051.96
5/07/2017	DEPARTMENT OF TRANSPORT	SHIRE MOTOR VEHICLE LICENCES AND REGISTRATIONS PAYMENT OF VEHICLE LICENCES AND REGISTRATIONS	4,404.40
6/07/2016	DEPARTMENT OF TRANSPORT	COLLECTED	62.70
18/07/2016	BITUTEK PTY LTD	RESEAL YALGOO/MORAWA ROAD	196,794.84
19/07/2016	PAYROLL	NET SALARIES AND WAGES PAID	41,912.76
19/07/2016	COMMANDER AUSTRALIA LIMITED	SERVICE EQUIPMENT CONTRACT TELEPHONE PAYMENT OF VEHICLE LICENCES AND REGISTRATIONS	39.95
19/07/2016	DEPARTMENT OF TRANSPORT	COLLECTED	66.00
21/07/2017	GAIL TRENFIELD	MEETING FEE AND COMMUN. ALLOW	409.47
21/07/2017	JOANNE KANNY	MEETING FEE , COMMUN. ALLOW & TRAVEL	465.12
21/07/2017	NEIL GRINHAM	MEETING FEES AND TRAVEL	1,125.09
21/07/2017	PERCY LAWSON	MEETING FEE AND COMMUN. ALLOW	409.67
21/07/2017	RAUL VALENZUELA	MEETING FEES	234.00
21/07/2017	SILVIO BRENZI	REIMBURSEMENT MEALS	180.00



21/07/2016	NAB	BANK CHARGES	70.00
25/07/2016	WA TREASURY CORPORATION	ANNUAL LOAN ADMINISTRATION FEES Loans 53,54,55,56	2,488.12
27/07/2016	DEPARTMENT OF TRANSPORT	PAYMENT OF VEHICLE LICENCES AND REGISTRATIONS COLLECTED	256.60
27/07/2016	NAB	CONNECTION FEES	56.25
29/07/2016	SHIRE OF YALGOO	CREDIT CARD PAYMENT	3,496.37
29/07/2016	NAB	BANK CHARGES	213.96
31/07/2015	LGRCEU	PAYMENT OF UNION FEES COLLECTED VIA PAYROLL	123.00
31/07/2016	SHIRE OF YALGOO	ELECTRICTY REIMBURSEMENTS COLLECTED VIA PAYROLL	330.62
	<b>TOTAL</b>		<b>335,974.20</b>

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Accounts for Payment July 2016**

**That Council approve the list of accounts paid for the period 1 July 2016 to 31 July 2016 amounting to \$335,974.20 and the list be recorded in the minutes.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

### 11.3.3 Investments as at 31 July 2016

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 September 2016
Attachments	Nil

#### Matter for Consideration

That Council receive the Investment Report as at 31 July 2016

#### Background

Money held in the Municipal Fund of the Shire of Yalgoo that is not required for the time being may be invested under the Trustee Act 1962 Part III.

#### Statutory Environment

##### Local Government Act 1995

##### 6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
  - (a) make provision in respect of the investment of money referred to in subsection (1); and
  - [(b) *deleted*]
  - (c) prescribe circumstances in which a local government is required to invest money held by it; and
  - (d) provide for the application of investment earnings; and
  - (e) generally provide for the management of those investments.

##### Local Government (Financial Management) Regulations 1996

##### 19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
  - (a) the nature and location of all investments; and
  - (b) the transactions related to each investment.

##### 19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —  
***authorised institution*** means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

**foreign currency** means a currency except the currency of Australia.

(2)When investing money under section 6.14(1), a local government may not do any of the following –

- (a) deposit with an institution except an authorised institution;
- (b) deposit for a fixed term of more than 12 months;
- (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- (d) invest in bonds with a term to maturity of more than 3 years;
- (e) invest in a foreign currency.

**Strategic Implications**

Nil

**Consultation**

Nil

**Comment**

The worksheet below details the investments held by the Shire as at 31 July 2016:

SHIRE OF YALGOO INVESTMENTS AS AT 31 JULY 2016								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N <sup>o</sup>	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
<b>MUNICIPAL FUND</b>								
NAB	N/A	Operating a/c	50-832-4520	Ongoing	N/A	N/A	Variable	\$923,618.16
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$406,87.17
NAB	N/A	Term Deposit	89-977-1574	7 days	31.07.2016	07.08.2016	1.50%	\$410,086.08
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$51,289.71
<b>TOTAL</b>								<b>\$1,425,681.12</b>
<b>RESERVE FUNDS</b>								
NAB	N/A	Term Deposit	77-142-8128	6 mths	11.03.2016	11.09.2016	2.95%	\$153,709.12
NAB	N/A	Term Deposit	89-972-5236	7 days	31.07.2016	07.08.2016	1.50%	\$449,264.03
NAB	N/A	Term Deposit	14-662-6305	6 mths	11.03.2016	11.09.2016	2.95%	\$1,013,656.59
<b>TOTAL</b>								<b>\$1,616,029.74</b>
<b>TRUST</b>								
NAB	N/A	Trust a/c	50-832-4559	Ongoing	N/A	N/A	Variable	\$22,538.51
<b>TOTAL</b>								<b>\$22,538.51</b>

<b>INVESTMENT REGISTER</b>						
<b>01 JULY 2016 TO 31 JULY 2016</b>						
<b>NATIONAL AUSTRALIA BANK</b>						
<b>ACCOUNT Nº</b>	<b>DATE OF MATURITY</b>	<b>INTEREST RATE</b>	<b>OPENING BALANCE</b>	<b>INTEREST EARNED TO 31.07.2016</b>	<b>INVESTMENT TRANSFERS</b>	<b>CLOSING BALANCE 31.07.2016</b>
86-538-7363	Ongoing	Variable	\$40,656.49	\$30.68	0	\$40,687.17
89-977-1574	07.08.2016	1.50%	\$409,475.52	\$610.54	0	\$410,086.08
24-831-4222	Ongoing	Variable	\$51,251.03	\$38.68	0	\$51,289.71
77-142-8128	11.05.2016	2.95%	\$153,109.12	\$0	0	\$153,109.12
89-972-5236	07.08.2016	1.50%	\$448,595.14	\$668.89	0	\$449,264.03
14-662-6305	11.09.2016	2.95%	\$1,013,656.59	\$0	0	\$1,013,656.59

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Investments as at 31 July 2016**

**That the Investment Report as at 31 July 2016 be received.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

## 11.4 ADMINISTRATION

### 11.4.1 Report on Matters Outstanding as at 15 September 2016

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 September 2016
Attachments	Nil

#### Matter for Consideration

That Council note the report on outstanding matters.

#### Background

The report is compiled from resolutions of Council relating to reports presented to Council, Notice of Motions, and Urgent Business.

#### Statutory Environment

Nil

#### Business Implications

Nil

#### Consultation

Nil

#### Comment

Matters outstanding are detailed below with comments in relation to status.

Matters Outstanding			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
22 <sup>nd</sup> January 2016	2014-2015 Budget- Imposition of Rates and Minimum Proposal Requiring Ministerial Approval	That Council:	Application has been submitted. Awaiting on response from the State Administrative Tribunal (SAT).
		1/. Make application to the State Administrative Tribunal in accordance with Section 6.82 of the Local Government Act 1995 to have the following rates quashed:	
		- GRV-Town Vacant Land Minimum \$600	
		- UV-Mining/Mining Tenement 35:75 cents	
		- UV-Exploration and Prospecting 18:99 cents	

		2/. The Department of Local Government and Communities be advised of (1) above.	
22nd January 2016	Application for Funding Round Five of the Heavy Vehicles Safety and Productivity Program.	That council engage the services of a suitable external consultant to prepare the application for funding for the new rest areas at Paynes Find for Round Five of the Heavy Vehicle Safety and Productivity Program.	Paperwork completed. Ready to be submitted to the Application Funding Round when it opens.
19-February-2016	Technical Services Report	The CEO organise an appropriate meeting to investigate the use of solar panels in Yalgoo	Visit arranged for 29 August 2016 in Carnarvon.
18 Aug 16	Establishment of an Emergency Services Training Centre in Yalgoo.	That Council engage the services of a suitable consultant to undertake a review of the Business Case for the construction of a Volunteer Emergency Services Training and Operations Centre/VESTOC in Yalgoo	Consultant yet to be engaged.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Matters Outstanding as at 15 September 2016**

**That Council receives Report N<sup>o</sup> 11.4.1 Report on Matters Outstanding as at 15 September 2016.**

**Moved:Seconded: Motion put and carried /lost**

### 11.4.2 Report on Conference Attendance to 3<sup>rd</sup> National Indigenous Economic Development Forum

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	14/9/2016
Attachments	3 <sup>rd</sup> National Indigenous Economic Development Forum Flyer (Tabled)

#### Matter for Consideration

That council give consideration to nominate elected member/s and staff member to attend the 3<sup>rd</sup> National Indigenous Economic Development Forum to be held in Darwin from 19<sup>th</sup>-21<sup>st</sup> October 2016.

#### Background

The conference offers people from local governments, academia and business sectors to come together and advance sustainable economic outcomes for Indigenous peoples. With the forthcoming establishment of the Yalgoo Arts, Culture and Tourism Information Centre it would be advantageous for delegates from Yalgoo to attend the Conference so that they can explore ideas about Aboriginal business development in the Arts and Culture sectors.

#### Statutory Environment

##### Local Government (Administration) Regulations 1996

##### Reg 12(1)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
- (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

##### Reg 12(2)

- (1) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- 1.

##### Local Government Act 1995

##### 1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
- (a) published in a newspaper circulating generally throughout the district; and
  - (b) exhibited to the public on a notice board at the local government's offices; and
  - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
- (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than — (i) the time prescribed for the purposes of this paragraph; or (ii) if no time is prescribed, 7 days.

**Council Policy**

Council Policy No. 3.2 Conferences and Training attendance and expenses states the following in part:

“Councillors acknowledge that professional development –

- is not a right,
- is not intended as recognition of service or contribution,
- is undertaken in response to the community’s legitimate expectation of the highest possible standard of governance, and
- that community funds will be expended appropriately and responsibly for the benefit of the community, and not for private purposes or benefit.”

**Financial Implications**

Indigenous Economic Development Forum

Conference Registration:	\$2,699.00 x 3	\$8,097.00
Accommodation:	\$189.00 per night x 3	\$1,134.00
Flights: (subject to change on confirmation of booking flights).	\$500:00 each x 3	<u>\$1,500:00</u>
	<b>Total</b>	<b><u>\$10,731:00</u></b>

**Consultation**

Nil

**Comment**

The intent of the 3<sup>rd</sup> National Indigenous Economic Development Forum to be held in Darwin from 19<sup>th</sup>-21<sup>st</sup> October is best encapsulated in the statement by Leeanne Caton Executive Director, Office of Aboriginal Affairs , NT below:

“We acknowledge that Aboriginal and Torres Strait Islander cultures are the oldest continuing cultures on the planet and that they are globally significant. We respect and agree with Aboriginal people when they tell us they want to continue practising their cultures and customs and to keep their languages and lore strong but at the same time want economic development through business and jobs for themselves, their children and future generations”.

The conference is an opportunity to engage in discussions to progress these issues, and to network and form partnerships.

Topics include:

- How to establish, grow and sustain Indigenous businesses
- How to attract, recruit and retain Indigenous employees
- Tools for creating job ‘readiness’ and ensuring effective transitions into the workplace
- How to make the best use of Indigenous land for economic advantage
- How to establish economically beneficial and collaborative partnerships



Some Key speakers at the event include:

- Nadine Williams, First Assistant Secretary – Community and Economic Development Division, Department of the Prime Minister and Cabinet
- C.T. (Manny) Jules, Chief Commissioner, First Nations Tax Commission, Canada
- Arihia Bennett, Chief Executive Officer, Te Rūnanga o Ngāi Tahu, New Zealand
- Leeanne Caton, Executive Director, Office of Aboriginal Affairs, NT
- Duncan Murray, Chief Executive Officer, Cape York Partnership
- Andrew Cowan, Deputy Chief Executive Officer, Department of Business, NT

Whilst attending the Local Government Leadership Forum in Melbourne earlier this year, the Shire President and the CEO formed a relationship with representatives of the East Arnhem Regional Council attending the conference. It became obvious that their community has much in common with Yalgoo and stronger links with the Council should be encouraged as it will provide opportunities for information sharing. Therefore, Council is required to give consideration to meeting with representatives of the East Arnhem Land Council either at the conference or at their lands by invitation.

Should Council nominate elected members and a staff member to attend the forum there is a need to reschedule the October Ordinary Council Meeting from Friday 21<sup>st</sup> October to Thursday 27<sup>th</sup> October 2016 as the meeting and the forum are scheduled on the same dates.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Conference Attendance**

1. That Council nominate CR .....,CR.....and staff member.....to attend the 3<sup>rd</sup> National Indigenous Economic Development Forum held in Darwin from 19<sup>th</sup>-21<sup>st</sup> October 2016.

**Or**

2. No nomination be made to attend 3<sup>rd</sup> National Indigenous Economic Development Forum held in Darwin from 19<sup>th</sup>-21<sup>st</sup> October 2016.

3. Subject to (1) above that arrangements be made between the Shire and the East Arnhem Land Regional Councils to meet to renew acquaintances at a mutually agreed place and time whilst attending the 3<sup>rd</sup> National Indigenous Economic Development Forum

4. Subject to (1) above the October Ordinary Council Meeting date be changed from Friday 21<sup>st</sup> October to Thursday 27<sup>th</sup> October 2016 and the amendment to the scheduled meeting be advertised accordingly.

**Moved:** **Seconded:** **Motion put and carried /lost**

### 11.4.3 Appointment of Bush Fire Control Officers

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	16 September 2016
Attachments	Records of Completion
	Page 1 - 4

#### Matter for Consideration

That Council give consideration to appointing Mr David Rocke and Ms Gail Pilmoor as Bush Fire Control Officers pursuant to Section 38 (1) of the Bush Fires Act 1954 for the purpose of issuing burning permits.

#### Background

In Western Australia permits to burn are issued by the Local Government while DFES provides advice to local governments on fire management issues.

#### Statutory Environment

##### Bush Fires Act 1954

#### 38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- (2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.
- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.

- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
- (a) carrying out normal brigade activities;
  - [(b), (c) deleted]
  - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
  - (e) procuring the due observance by all persons of the provisions of Part III.
- (5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
- (5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.
- (5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).
- (6) In this section —
- approved local government** means a local government approved under subsection (7) by the FES Commissioner.
- (7) If it appears to the FES Commissioner that the standard of efficiency of a local government in fire prevention and control justifies the FES Commissioner doing so, the FES Commissioner, by notice published in the *Government Gazette* —
- (a) may approve the local government as one to which subsections (6) to (18) apply; and
  - (b) may from time to time cancel or vary any previous approval given under this subsection.
- (8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (9) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by subsection (17).
- (10) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (11) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under subsection (10) is, subject to subsection (12), entitled to act in the discharge of the duties of that office.
- (12) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has

precedence over him in the order of seniority determined under subsection (10) is available and able to discharge those duties.

- (13) The local government shall give notice of an appointment made under subsection (8) or (10) to the FES Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of the appointment to be published once in the *Government Gazette*.
- (14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under subsections (6) to (18).
- (15) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by subsection (17), notwithstanding the advice and assistance tendered to him by the committee.
- (16) The provisions of subsections (6) to (18) are not in derogation of those of any other subsection of this section.
- (17) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “catastrophic”, “extreme”, “severe” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (18) Subsections (6) to (18) do not authorise the burning of bush —
  - (a) during the prohibited burning times; or
  - (b) during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.

**The Shire of Yalgoo Delegations Register**

**Delegation 2.8**

<b>Bush Fires</b>	s.38(1)	Chief Bush Fire Control Officer		Council
	s.38(1)	Deputy Chief Bushfire Fire Control Officers		Council
	s.38(6)(c)(ca)(cb)	Fire Weather Officer/s (not mandatory)	Nil currently appointed	Council
	s.38(1)	Bush Fire Control Officers	Nil currently appointed	Council
	Local Law	Volunteer Fire Fighters	As per registrations held by Dept Fire & Emergency Services	CBFCO

**Consultation**

Nil

**Comment**

Mr David Roche and Ms Gail Pilmoor who both reside at Paynes Find have both successfully completed the requirements of the following training programs with the Department of Fire and Emergency Services

- Fire Control Officer,
- AIMS Awareness

Currently the Chief Executive Officer, Mr Silvio Brenzi who is also the appointed Chief Bush Fire Control Officer has the responsibility of issuing burning permits. Council is requested to give consideration to appointing Mr David Roche and Ms Gail Pilmoor as Bush Fire Control Officers for the sole purpose of authorising them to issue burning permits within the Shire and on the basis that Paynes Find is some 130 kms away.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Appointment of Bush Fire Control Officers**

**That Council:**

- 1. Appoint Mr David Roche and Ms Gail Pilmoor as Bush Fire Control Officers for the sole purpose of authorising them to issue burning permits in accordance with Section 38 (1) of the Bush Fires Act 1954;**
- 2. Subject to (1) above and pursuant to Section 38 (2A) of the Bush Fires Act 1954, the above appointments be published at least once in the local newspaper circulating throughout the district;**
- 3. Subject to (1) above Shire of Yalgoo Delegation 2.8 be amended by including in the Delegation Schedule 2.8 (a) – Officers exercising statutory authority of Council:**

<b>Bush Fires</b>	s.38(1)	Chief Bush Fire Control Officer		Council
	s.38(1)	Deputy Chief Bushfire Fire Control Officers		Council
	s.38(6)(c)(ca)(cb)	Fire Weather Officer/s (not mandatory)	Nil currently appointed	Council
	s.38(1)	Bush Fire Control Officers	David Roche Gail Pilmoor	Council Council
	Local Law	Volunteer Fire Fighters	As per registrations held by Dept Fire & Emergency Services	CBFCO

**Moved:**

**Seconded:**

**Motion put and carried/lost**

**11.4.4 Report on Conference Attendance to 2016 National Local Roads and Transport Congress**

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	14/9/2016
Attachments	2016 National Local Roads and Transport Congress Pages 5-6

**Matter for Consideration**

That council give consideration to nominate a councillor and staff member to attend the 2016 National Local Roads and Transport Congress to be held between 9-11 November 2016 in Toowomba QLD.

**Background**

The Shire President CR Neil Grinham attended the 2015 National Local Roads and Transport conference. The Shire spends a considerable amount of its revenue in maintaining, upgrading and renewal of its local road network. Grants are also received by the Shire from the state and federal government for the purpose

**Statutory Environment**

**Council Policy** No. 3.2 Conference and Training Attendance and Expenses states the following in part:

- “Councillors acknowledge that professional development –
- is not a right,
  - is not intended as recognition of service or contribution,
  - is undertaken in response to the community’s legitimate expectation of the highest possible standard of governance, and
  - that community funds will be expended appropriately and responsibly for the benefit of the community, and not for private purposes or benefit.”

**Financial Implications**

National Roads and Transport Congress

Conference Registration:	\$890.00 x 2	\$1,780.00
Accommodation:	\$139.00 per night x 2	\$834.00
Flights: (subject to change on confirmation of booking flights).	\$500.00 x 2	<u>\$1,000:00</u>
	<b>Total</b>	<b><u>\$3,614.00</u></b>

**Consultation**

Nil

**Comment**

The National Local Roads and Transport Conference provides a platform to engage with the Federal Government and opposition on road and infrastructure policies and initiatives. Given the increase physical pressure of the Federal Government and recent Budget decisions such as the freeze to the indexation of Financial Assistance Grants, it is more important than ever that Local Government present a united front when dealing with the Government on road and transport issues, particularly funding.

In view that the Shire’s road network is a shared responsibility between the council and its officers, this is demonstrated by the representation on the local road group that the Shire belongs in. It is recommended that a member of the Council and a staff member attend the conference.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Conference Attendance**

1. That Council nominate CR .....and staff member.....to attend 2016 National Local Roads and Transport Congress to be held in Toowomba QLD from 9-11 November

Or

2. No nomination be made to attend 2016 National Local Roads and Transport Congress to be held in Toowomba QLD from 9-11 November.

Moved:

Seconded:

Motion put and carried /lost

**11.4.5 Report on Report on Wild Dog Bounty Scheme**

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	14/9/2016
Attachments	Shire of Murchison Wild Dog Control Report Bounty Scheme MRBA Wild Dog Terms and Conditions for Bounty Trail Pages 9 - 23

**Matter for Consideration**

That council give consideration to the terms and conditions relating to a Wild Dog Bounty Scheme

**Background**

The Shire in its 2016-17 Annual Budget has allocated the sum of \$10,000 for the purpose of funding a Wild Dog Bounty Scheme.

**Statutory Environment**

Nil

**Business Implications**

Nil

**Consultation**

Nil

**Comment**

The aim of the Wild Dog Bounty Scheme is for the reduction of Wild Dog numbers through a coordinated program. In order that the program can be initiated it is important that Council determines the terms and conditions in relation to it. To assist the Council attached are the terms and conditions determined by the MRBA for a bounty trial and reports prepared by the Shire of Murchison in relation to their Wild Dog Bounty Scheme.

Determining the terms and conditions may be time consuming matter therefore it is recommended that Council may wish to appoint a working group comprising of elected members , the CEO and an independent advisor to undertake the task and report to Council accordingly. Alternatively the Council needs to determine the broad parameters to be addressed in preparing the terms and conditions so that the Shire officers may prepare a draft for Council consideration at the next Ordinary Council Meeting. Matters that need to be addressed are as follows:

- Eligible applicants
- Eligible properties
- Bounty reward
- Proof of eligibility
- Collection point



- General conditions
- Record sheets and claim forms
- Declarations

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Wild Dog Bounty Scheme**

**That Council**

**1. Form a Wild Dog Bounty Working Group comprising of 3 elected members, the CEO and an independent advisor to prepare the terms and conditions in relation to the Wild Dog Bounty Scheme and report to Council.**

**Or**

**2. That the CEO prepare a draft copy of the terms and conditions for the Wild Dog Bounty Scheme addressing the following matters :**

- 
- 
- 
- 
- 
- 

**Moved:**

**Seconded:**

**Motion put and carried /lost**

### 11.4.6 Report on Consultation Paper Regional Subsidiaries Legislation

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19/9/2016
Attachments	Consultation Paper Stakeholders Survey Pages 24 - 68

#### Matter for Consideration

To consider the report and make a submission in relation to the Regional Subsidiaries Legislation.

#### Background

The consultation paper is an imitative of the Western Australian Department of Local Government and Communities. It is supported by the Liberal National Governments Royalties for Regions program for the purpose of improving Local Government services in regional area.

Currently two or more local governments may form a Regional Local Government which is highly structured and administratively top heavy (similar to forming a local government or they can form a Voluntary Regional Organisation of Councils (VROC), an association under the association , however, the legislation does not allow for the destruction of profits to its member Local Government. The above allows for Local Government to form collaborative organisations for the delivery of projects, services and activities.

#### Statutory Environment

The State Government proposes to amend the Local Government Act 1995 to provide local governments with the power to form bodies known as regional subsidiaries which is not as administrative top heavy as a regional local government.

#### Strategic Implications

Provide a mechanism by which 2 or more local governments can form regional subsidiaries for the purpose of resource sharing to deliver various services to it's district.

#### Consultation

Nil

#### Comment

The advantages of Local Government having the ability to form regional subsidiaries are that it requires a lower level of legislative compliance. It requires that a "Charter" (constitution) the approval of the Minister and the local governments restoring to form the regional subsidiary and take the following actions:

- Preparation of a business plan
- Business plan to be posted on the local governments websites
- Statewide public notice of the proposal

-A period of 6 weeks to inspect the business plan for members of the community to make submissions on the proposal

-Submissions received to be considered by its constituted local governments

The Department of Local Government and Communities is seeking feedback from Local Governments on its appropriateness of the following proposals and or whether alternative approaches should be taken on particular issues.

- (1) Local Governments are to consult with districts prior to proposing a regional subsidiary
- (2) The procedure for approving a Charter
- (3) The procedure for amending a Charter
- (4) Employers of regional subsidiary-long service leave and superannuation
- (5) Conflict of Interest must be reported
- (6) Minister can investigate a regional subsidiary and issue directions
- (7) Minister can wind up a regional subsidiary
- (8) A regional subsidiary is subject to the directions of its constituted Councils
- (9) Subsidiary must provide information to constituted councils when requested
- (10) Subsidiary must prepare annual budgets and financial statements
- (11) Liabilities of regional subsidiary guaranteed by constituted local governments
- (12) Charter must address what occurs when a regional subsidiary is insolvent
- (13) Protection from liability
- (14) Limits an investment and Corporate acquisition
- (15) Tender requirements apply to the regional subsidiary
- (16) Charter to adhere certain matters

- Membership of the subsidiary
- The specific powers of the subsidiary
- How documents should be executed in the subsidiary's name
- The constituency of the Board
- How the meeting procedures of the board are to be determined
- Financial reporting requirements
- General reporting requirements
- Access to information by the constituent councils
- Dispute resolution between constituent councils
- Process of winding up
- Any circumstances in which the subsidiary must cease activity and commence winding up
- How the constituent councils may issue directions to the regional subsidiary
- Whether the charter may be amended and if so, how this should occur

The Department is seeking feedback on its proposal by Local Governments completing a Stakeholder Survey. The Survey has been completed (refer to pages 35-39 of its attachments) and Council is requested to review the responses accordingly.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION**

#### **Report on Consultation Paper Regional Subsidiaries Legislation**

**That Council**

- (1) Receive the Report on Consultation Paper  
- Regional Subsidiaries legislation**
- (2) Supports the proposed changes to the legislation to allow local governments to form  
Regional subsidiaries**
- (3) Subject to (2) above a completed copy of the Stakeholders Survey be forwarded to the  
Department of Local Governments and Communities**

**Moved:**

**Seconded:**

**Motion put and carried /lost**

**11.4.7 Report on Engagement of a Consultant to Undertake a Review on the Appropriateness and Effectiveness of Local Government Systems and Procedures**

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 September 2016
Attachments	Proposal from Civic Legal Pages 69 - 74

**Matter for Consideration**

That Council give consideration to engaging a consultant to undertake a review of the appropriateness and effectiveness of Local Government systems and procedures in relation to:

- risk management
- internal control
- legislative compliance

In accordance with Regulation 17 Local Government (Audit) Regulations 1996

**Background**

In 2014 the Local Government (Audit) Regulations 1996 were amended to insert Regulation 17.

**Statutory Environment**

Local Government (Audit) Regulations 1996

Reg 17 states the Following:

CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —
  - (a) risk management; and
  - (b) internal control; and
  - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

**Shire’s Purchasing Policy**

Policy 7.2 Purchasing and Tenders states that the purchasing thresholds are as follows:

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be –

Amount of Purchase	Model Policy
Up to \$1,000	Direct purchase from suppliers – <ul style="list-style-type: none"> <li>- where an item of frequent supply or in association with other work, quotations not required</li> <li>- where an infrequent supply over \$500 two verbal quotations required</li> </ul>
\$1,001 - \$19,999	Obtain at least three verbal or written quotations.
\$20,000 - \$39,999	Obtain at least three written quotations
\$40,000 to \$99,999	Obtain at least three written quotations to be considered by panel of CEO and either of Executive Manager Corporate or Executive Manager Works and Infrastructure

**Strategic Implication**

Nil

**Financial Implications**

The cost be charged to Account No. E145085 Consultancy.

**Consultation**

Nil

**Comment**

Reg 17 of the Local Government (Audit) Regulations 1996 requires that a CEO review certain systems and procedures of the Shire. The review is to be undertaken at least once every 2 calendar years and the next deadline for compliance is December 2016.

A proposal (copy attached) has been received from Civic Legal to undertake the review. The cost associated with the review is a fixed price of \$15,000 (excluding GST) plus travel and accommodation costs.

The Shire’s purchasing policy states that at least 3 verbal or written quotations be obtained from suppliers unless it is not practical due to limited suppliers.

Council is requested to give consideration to the proposal received from Civic Legal and as to whether two more quotations are to be obtained or its not practical to do so.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Engagement of a Consultant to Undertake a Review on the Appropriateness and Effectiveness of Local Government Systems and Procedures**

**That Council**

**(1) Accepts Civic Legal’s proposal to undertake a review of the appropriateness and effectiveness of the Shire’s systems and procedures as detailed in Reg 17 of the Local Government (Audit) Regulations 1996 on the basis that its not practical to obtain alternative quotations.**

**Or**

**(2) That the CEO obtain two further quotations from suitable suppliers to undertake a review of the appropriateness and effectiveness of the Shire’s systems and procedures as detailed in Reg 17 of the Local Government (Audit) Regulations 1996.**

**Moved:**

**Seconded:**

**Motion put and carried /lost**

## 12. NOTICE OF MOTIONS

### 12.1 PREVIOUS NOTICE RECEIVED

CR Raul Valenzuela provided the following notice of motion for consideration at the meeting.

That Council allocate funding for the following projects:

- Construction of Machinery Shed at the Shire Depot
  - (i) When considering the Annual Budget for the 2016-17 financial year  
And/or
  - (ii) For consideration when formulating the 2017-18 Annual Budget

## 13. URGENT BUSINESS

## 14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

### STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from [www.auslii.edu.au](http://www.auslii.edu.au) on 8 November 2010.

#### Local Government Act 1995

##### s5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (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;



- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government’s property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971 ; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

**s5.92 Access to information by council, committee members**

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
- (2) Without limiting subsection (1), a council member can have access to —
  - (a) all written contracts entered into by the local government; and
  - (b) all documents relating to written contracts proposed to be entered into by the local government.

**s5.93. Improper use of information**

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person. Penalty: \$10 000 or imprisonment for 2 years.

**Local Government (Rules of Conduct) Regulations 2007**

**s6. Use of information**

- (1) In this regulation —
  - closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
  - confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
  - non-confidential document means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
  - (a) information that the council member derived from a confidential document; or
  - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.

- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
- (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

## 15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Chambers, Yalgoo on Friday 21 October 2016 commencing at 11.00 am.

## 16. MEETING CLOSURE

