



UNCONFIRMED MINUTES  
OF THE ORDINARY MEETING OF COUNCIL  
HELD IN THE  
COMMUNITY HALL, PAYNES FIND  
ON FRIDAY, 31 MAY 2019  
COMMENCING AT 11.00 AM





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Minutes for the Ordinary Meeting of the Yalgoo Shire Council,  
To be held in the Community Centre, Payne Find  
On Friday 31 May 2019 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**

President Cr Joanne Kanny declared the meeting open at 11:18 am

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

MEMBERS	Cr Joanne Kanny, Shire President	
	Cr Percy Lawson	
	Cr Tamisha Hodder	
	Cr Robert Grinham	
STAFF	Silvio Brenzi, Chief Executive Officer	
	Elisha Hodder, Executive Assistant	
GUESTS	Gail Pilmoor	Linda Dalton
	Dave Roche	Doug Taylor
	Rachel Grant	Jordon Prince-Wright
	Geoff Prince-Wright	
OBSERVERS	Nil	
LEAVE OF ABSENCE	Nil	
APOLOGIES	Cr Gregory Payne	Barry Moroney
	Cr Gal Trenfield	Gordon Dalton
	Aneika Parker	Byron Parker

### 3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting.

Nil

### 4. PUBLIC QUESTION TIME

#### 4.0 QUESTIONS TAKEN ON NOTICE

##### 4.0.1 Graham Bassell's question directed to CEO Silvio Brenzi

**Q. As it stands today, are there any outstanding Worksafe Improvement Notices to be completed?**

A. President Cr Joanne Kanny response to the question is 'No'.

##### 4.0.2 Graham Bassell's question directed to the Shire President Cr Joanne Kanny

**Q. Is the Yalgoo Shire Council aware that the Yalgoo Shire Financial Consultant, Mr. Carbone, has admitted mis-appropriating Intellectual Property [namely written original text] as his own in an application for a Commonwealth Funding Grant when it was not his intellectual property to use?**

A. President Cr Joanne Kanny response to the question is;  
That Council is aware that the matter was referred to the MRVC insurers who have settled the claim, and is a matter to be considered at the next Ordinary Meeting of the MRVC, the application was a MRVC Document application not a Dominic Carbone application.

##### 4.0.3 Graham Bassell's question directed to CEO Silvio Brenzi

**Q. The minutes of 26/4/19 show Darren Long Consulting was paid \$3,630.00 for 'Consultancy fees – Bank Reconciliation, September, October & November 2018'. Given that the Shire engages the services of Dominic Carbone and Associates to manage the Shire's Financials, is it the case that it is 'double dipping' to pay Darren Long Consulting for the duty the Dominic Carbone and Associates are engaged to complete? And if so, why not?**

A. President Cr Joanne Kanny response to the question;  
This question was answered in the December 2018 Minutes, Item 4.1.5

#### 4.1 QUESTIONS TAKEN WITHOUT NOTICE

4.1.1 Gail Pilmoor requested copies of the Council Agenda and Minutes to be sent to Paynes find.

President Cr Joanne Kanny advised it will be noted.

## CHANGED ORDER OF BUSINESS

President Cr Joanne Kanny requested a motion be moved to Change the order of business to bring forward Item 10 - PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters

The motion was moved by Cr Robert Grinham and seconded by Cr Percy Lawson.

There being no debate on the matter the motion was put and carried 4/0.

Gail Pilmoor expressed the Paynes Find gratitude and thanked the CEO and President for their time and hard work on the Shire.

President Cr Joanne Kanny welcomed Jordon Prince-Wright to present his presentation to Council.

Jordon Prince-Wright introduces himself and updated Council on the success of the feature films he had made previous with the help of the Shire of Yalgoo, Jordon played two short films which was aired on 'Today Tonight', then advised Council he is working on a new feature film called 'Before Dawn' and is looking at locations within and around Yalgoo to shoot the film.

President Cr Joanne Kanny thanked Jordon for his presentation and advised there is a report in this Agenda for Council to make a decision.

CEO Silvio informed the gallery of his departure date which is the 31 October 2019 and thanked the Paynes Find community for their support during his time working on the Shire.

President Joanne Kanny informed the gallery that she will be leaving soon, and also thanked the Paynes Find community for their support during her time on Council

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

Item 14.1 - Report on Inspection of House located at Lot 209, 28 Piesse Street

Item 14.2 – Geraldton Alternative Settlement Agreement

### 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

### 7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

#### 7.0 MEETINGS ATTENDED BY ELECTED MEMBERS

Date	Details	Attended with whom
10 May 2019	Special Meeting Of Council held 10 May 2019	All Councillors
5 May 2019	Cue Parliament Murchison Country Zone WALGA	President Cr Joanne Kanny Silvio Brenzi, CEO

## **8. CONFIRMATION OF MINUTES**

### **8.0 ORDINARY COUNCIL MEETING**

#### **Background**

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

#### **Voting Requirements**

Simple majority

#### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0501**    Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 26 April 2019 be confirmed as a true and correct record of proceedings.

**Moved: Cr Robert Grinham**

**Seconded: Cr Percy Lawson**

**Motion put and carried: 4/0**

### **8.1 SPECIAL MEETING OF COUNCIL**

#### **Background**

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

#### **Voting Requirements**

Simple majority

#### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0502**    Minutes of the Special Meeting of Council

That the Minutes of the Special Meeting of Council held 10 May 2019 be confirmed as a true and correct record of proceedings.

**Moved: Cr Robert Grinham**

**Seconded: Cr Percy Lawson**

**Motion put and carried: 4/0**



## **9. REPORTS OF COMMITTEE MEETINGS**

Nil

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

### **10.0 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).

**This Item was moved forward before Item 5.**

## **11. MATTERS FOR DECISION**

### **11.0 MATTERS BROUGHT FORWARD**

Nil

## **11.1 TECHNICAL SERVICES**

### **11.1.1 Progress Report on the Capital Works Program 2018-19**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 May 2019
	Nil

#### **Matter for Consideration**

To receive the Progress Report on the 2018-2019 Capital Works Program.

#### **Background**

The Shire in adopting its 2018-2019 Annual Budget has allocated funds amounting to \$2,223,003 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 2018-2019 financial year are detailed be:

**CAPITAL WORKS PROGRAMME 2018-19**

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

		<b>2018-19 ANNUAL BUDGET</b>	<b>2018/19 APRIL ACTUAL</b>	<b>VARIANCE FAV (UNFAV)</b>	<b>COMMENTS</b>
		<b>\$</b>	<b>YTD \$</b>	<b>\$</b>	
<b><u>By Program</u></b>					
<b>Governance</b>					
000000-Admin Mobile					
Phones,laptop,Computers,Office Equip.	F & E	2,492	0	2,492	
000000- Motor Vehicle CEO	P & E	86,970	92,456	(5,486)	completed minor over expenditure
000000- Motor Vehicle CGTS	P & E	64,794	59,132	5,662	completed minor savings
<b>Law Order Public Safety</b>					
000000-CCTV Yalgoo Townsite	F & E	9,000	9,064	(64)	completed minor over expenditure
000000-CCTV Yalgoo Townsite - Conect to Yalgoo Police Station	F & E	4,000	3,370	630	completed minor savings
<b>Housing</b>					
000000-Staff Housing - Security	L & B	65,000	4,758	60,242	in progress
000000-Two Units 17 Shemrock Street	L & B	86,350	0	86,350	
<b>Recreation and Culture</b>					
000000 - Arts and Crafts Building	L & B	25,000	0	25,000	
000000-Power Supply Mens Shed and Rifle Club	L & B	15,000	0	15,000	
000000-Bollard Fence - Community Park	Recreation	8,000	7,927	73	completed minor savings
000000- Community/School Oval Development	F & E	35,250	0	35,250	completed read in conjunction with the line below minor over expenditure
000000- Community/School Oval Shared Use Development	Recreation	718,000	772,913	(54,913)	

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

		<b>2018-19 ANNUAL BUDGET</b>	<b>2018/19 APRIL ACTUAL</b>	<b>VARIANCE FAV (UNFAV)</b>	<b>COMMENTS</b>
		<b>\$</b>	<b>YTD \$</b>	<b>\$</b>	
<b><u>By Program</u></b>					The CEO to provide a verbal update on the status of the capital projects as at 30 APRIL 2019
<b>Transport</b>					
000000- Machinery Shed Depot	L & B	7,393	6,230	1,163	completed minor saving
000000-Flood Control -Fuel Station	L & B	11,410	11,009	401	completed minor saving
000000- Depot -Electric Boundary Fence and Gate	L & B	6,700	6,700	0	completed
000000- Water Cart Modifications	P & E	10,000	0	10,000	
000000- Motor Vehicle Foreman	P & E	68,722	76,723	(8,001)	completed minor over expenditure
000000- Motor Vehicle Works Hilux	P & E	49,000	0	49,000	
000000- Generator 4.5kva	P & E	4,290	0	4,290	
000000- Generator 6.0kva with Fuel Tank	P & E	9,500	9,500	0	completed
000000- Transfer Pump	P & E	6,200	6,200	0	completed
000000- Paynes Find Airstrip Fence	Other	45,000	0	45,000	
000000-Paynes Find Beautification	Other	18,656	0	18,656	
<b>ROADS TO RECOVERY GRANTS</b>					
000000- Yalgoo/Morawa Road - Widen to 7m	Roads	544,968	500,000	44,968	in progress
<b>RRG SPECIAL GRANT RD WORKS</b>					
000000- Yalgoo/Ninghan Road - Seal to width 4m	Roads	300,000	314,500	(14,500)	in progress
<b>MUNICIPAL FUND</b>					
000000- North Road - Crossing	Roads	10,000	3,000	7,000	in progress

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

		<b>2018-19 ANNUAL BUDGET</b>	<b>2018/19 APRIL ACTUAL</b>	<b>VARIANCE FAV (UNFAV)</b>	<b>COMMENTS</b>
		<b>\$</b>	<b>YTD \$</b>	<b>\$</b>	
<b><u>By Program</u></b>					
<b>Economic Services</b>					
000000-Caravan Park - Washing Machine and Dryer	F & E	3,200	6,240	(3,040)	completed over expenditure
000000- Shelter and Seating Joker Tunnel	L & B	4,054	0	4,054	quotations received and deposit paid
000000- Shelter and Visitors Board at Railway Station	L & B	4,054	0	4,054	quotations received and deposit paid
		<b>2,223,003</b>	<b>1,889,722</b>	<b>333,281</b>	

The CEO to provide a verbal update on the status of the capital projects as at 30 APRIL 2019

## **Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further detail including the following Items listed which was added during the Budget Review in March.

- New trailer had been purchased
- Air-conditioning in the Shire office will be replaced by the end of the financial year.
- Road safety audit for Paynes Find – Thunderlarra road.

## **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0503    Progress Report on the Capital Works Program 2018 - 2019**

**That Council receive the Progress Report on the Capital Works Program 2018 – 2019 as at 30 April 2019.**

**Moved: Cr Tamisha Hodder                      Seconded: Cr Robert Grinham      Motion put and carried: 4/0**

### 11.1.2 Technical Services Monthly Report 30 April 2019

Author:	Ray Pratt, Works Foreman
Interest Declared:	No interest to disclose
Date:	23 May 2019
Attachments	Nil

#### Matter for Consideration

That Council receives the Technical Services Monthly Report as at 30 April 2018.

#### Background

Nil

#### Statutory Environment

Nil

#### Statutory Implications

Nil

#### Consultation

Nil

#### Comment

##### 1 ROAD CONSTRUCTION – CAPITAL

Nil

##### 2 ROAD MAINTENANCE - OPERATIONS

###### 2.1 Works During April

- Road works was conducted to the Gabyon Tardie road also the Yalgoo Ninghan Road.
- Replaced and repaired culverts along the Yalgoo Ninghan Road

##### 3 OTHER INFRASTRUCTURE MAINTENANCE

###### 3.1 Plant and Equipment

- YA 881 (Cement Truck) was sent to Perth to have the agitator bowl cleaned.
- John Deer Grader YA 465 has been delivered back to Yalgoo after extensive repairs. Waiting on insurance claim confirmation.

###### 3.2 Buildings

Nil

### **3.3 Town Street**

- Rubbish and street are being regularly cleaned

## **4 PARKS AND RESERVES**

### **4.1 Art & Culture Centre**

- No Changes or additions to the Art Centre during April

### **4.2 Community Town Oval**

- General Maintenance are conducted to the Town Oval and Core Stadium Gardens
- Wind break panels being installed to BBQ area.

### **4.3 Community Park, Gibbons Street**

- No Changes or additions to the Community Park on Gibbon Street during April

### **4.4 Community Park, Shamrock Street**

- No Changes or additions to the Community Park on Shamrock Street during April

### **4.5 Water Park**

- Has been closed for winter. No repairs or maintenance need during April

### **4.6 Yalgoo Caravan Park**

- Wind break panels installed to BBQ area.

### **4.7 Yalgoo & Paynes Find Rubbish Tip**

- Rubbish bins emptied on the Yalgoo Ninghan Road near Great Northern Highway.

### **4.8 Railway Station**

- No changes or additions to the Railway Station during April, besides general Gardening maintenance.

### **4.9 Yalgoo Nursing Post**

- No changes or additions to the Nursing Post during April, besides general Gardening maintenance.

## **5 INFRASTRUCTURE - CAPITAL**

### **5.1 Rifle Range**

- Minor amendments to rifle range to WAPOL requirements complete.



## **6 PRIVATE WORKS**

### **6.1 Yalgoo Hotel**

Hired Backhoe and operator for 1 hr.

### **6.2 Mainroads Camp on King Street**

Hired Tip Truck and Bobcat with two plant operators to help cleaned up the Mainroads camp

## **7 PURCHASING**

Nil

## **8 STAFF**

### **8.1 Training & Licences Completed**

- Bush fire brigade training for staff to be held in May.

New Employee Matthew McSporrn has returned as a casual plant operators.

### **Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further detail.

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0504 Technical Services Monthly Report 30 April 2019**

**That Council:**

**Receive the Technical Services report as at 30 April 2019.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Tamisha Hodder**

**Motion put and carried: 4/0**

## 11.2 DEVELOPMENT PLANNING AND ENVIRONMENTAL HEALTH

Nil

## 11.3 FINANCE

### 11.3.1 Accounts for Payment April 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 April 2019
Attachments	Nil

#### Matter for Consideration

Council approve the Accounts for Payment list for the period 1 April 2019 to 30 April 2019 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 April 2019 to 30 April 2019 are as follows

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1005*2019	AMPAC Debt Recovery (WA) Pty Ltd	5/04/2019	DEBT COLLECTION COSTS	11.00
1021*2019	Bunnings Building Supplies Pty Ltd	5/04/2019	SUNDRY ITEMS FOR WORKSHOP	469.54
1024*2019	Canine Control	5/04/2019	RANGER SERVICE - 28 MARCH 2019	967.05
1044*2019	Rocke, David	5/04/2019	CLEANING OF COMMUNITY CENTRE PAYNES FIND	671.53
1048*2019	Dominic Carbone & Associates	5/04/2019	Consultancy Fees - Administration and Finance	2,750.00
1051*2019	Elite Electrical Contracting Pty Ltd	5/04/2019	Installation of TV at Sports Pavillion	490.88
1065*2019	Geraldton Mower & Repair Specialist	5/04/2019	SUNDRY ITEMS FOR WORKSHOP	299.20
1068*2019	GERALDTON TROPHY CENTRE	5/04/2019	ENGRAVE PLATE FOR OPENING OF SPORTS PAVILLION	245.00
1089*2019	K9 K10 ELECTRICAL WA	5/04/2019	Security Alarm Monitoring - Administration Centre	167.20
1108*2019	Midwest Chemical & Paper	5/04/2019	CLEANING SUPPLIES FOR CARAVAN PARK	530.86
1191*2019	Veolia Environmental Services	5/04/2019	Rubbish Collection Fees	5,111.43
1203*2019	Westside Painting Service	5/04/2019	Building Maintenance -Internal Repairs & Internal Repainting of Toilet B	7,920.00
1234*2019	DATACOM SOLUTIONS (AU) PTY LTD	5/04/2019	IT Support OZONE -Remote Support	90.75
1239*2019	OCEAN CENTRE HOTEL	5/04/2019	Gay Dennison:ACCOMMODATION MEALS FROM 24 - 29 MARCH 2019- DEPARTMENT OF TRANSPORT TRAINING	1,410.00
1243*2019	WURTH	5/04/2019	SUNDRY ITEMS FOR WORKSHOP	515.64
1277*2019	REILLY & CO	5/04/2019	Consultancy Fees -School Holiday Program from 28.11.18 - 03.02.2019	9,259.25
1280*2019	BP MECHANICAL MAINTENANCE	5/04/2019	Plant Mtce and Repairs -YA795 - Service & Repairs	544.17

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1430*2019	DALGLEISH CATERING	5/04/2019	Catering for the Sports Oval Opening	672.00
1458*2019	ROWE CONTRACTORS	5/04/2019	R2R - Morawa Road Works: Preparation & Sealing Works	352,000.00
1510*2019	GHD	5/04/2019	SANFORD RIVER CROSSING REPAIRS	3,300.00
1515*2019	CONWAY Highbury	5/04/2019	Preparation of Corporate Business Plan	6,930.00
1516*2019	LG PEOPLE / CULTURE	5/04/2019	Review & Update Policy Manual	7,700.00
1517*2019	AROUND THE TRAPS RURAL PHOTOGRAPHY	5/04/2019	Photography for the Opening of the New Sports Pavilion	720.00
1024*2019	Canine Control	24/04/2019	Ranger Service 14 & 17 April 2019	967.05
1028*2019	Civic Legal	24/04/2019	Legal Fees -Native Title Matter - Various Parcels of Land Transfers	6,718.10
1051*2019	Elite Electrical Contracting Pty Ltd	24/04/2019	Electrical Repairs -RAILWAY Station ,- Replace Sensor Caravan Park	951.80
1077*2019	Hitachi Construction Machinery(Australia)	24/04/2019	YA465: SERVICE & REPAIRS AS PER QUOTE WO00023387-0	2,030.60
1084*2019	Jason Signmakers	24/04/2019	SIGNS AS PER QUOTE 118949	5,913.49
1155*2019	Records Archives Historical Management	24/04/2019	Consultancy Fees - Archiving Site Visit	12,760.00
1235*2019	ELLIS & SONS CONSTRUCTION	24/04/2019	Yalgoo Sports Complex -Repairs to Building and Amenities	4,026.00
1277*2019	REILLY & CO	24/04/2019	Core Stadium Opening & Community Open Day, April School Holiday Program - Catering & Craft purchases	690.59
1372*2019	DARREN LONG CONSULTING	24/04/2019	Consultancy Fees -Bank Reconciliations	5,555.00
1374*2019	MIDWEST TURF SUPPLIES	24/04/2019	- Reticulation repairs Sports Oval ,- Line Marking Community Park ,- Reticulation Repairs Community Park, - Installation of Bollards Community Park, - Reticulation repairs 19/03/2019	17,810.00
1405*2019	WAGGA WAGGA STATION	24/04/2019	Wild Dog Bounty Scheme	330.00

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1434*2019	MURCHISON EARTHMOVING & REHABILITATION PTY LTD	24/04/2019	Paynes Find Landfill - Fill in old tip & dig up new tip	1,936.00
1519*2019	ROAD RUNNER MECHANICAL SERVICES	24/04/2019	YA453 - MIRROR PARTS - PART NUMBER 17 & 18	249.43
1520*2019	CLEANPAK SOLUTIONS	24/04/2019	Supplies for School Holiday Program	122.32
1311*2019	HODDER, TAMISHA	26/04/2019	April Council Meeting Fees 26.04.2019	763.67
<b>TOTAL</b>				<b>463,599.55</b>

## **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0505    Accounts for Payment April 2019**

**That Council approve the list of accounts paid for the period 1 April 2019 to 30 April 2019 amounting to \$463,599.55 and the list be recorded in the Minutes.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Tamisha Hodder**

**Motion put and carried: 4/0**

### 11.3.2 Investments as at 30 April 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 May 2019
Attachments	Nil

#### Matter for Consideration

That Council receive the Investment Report as at 30 April 2019.

#### 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 30 April 2019.

SHIRE OF YALGOO CASH HOLDINGS AS AT 30 APRIL 2019								
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>								
Note Balance as per Bank Statement								
NAB	N/A	Operating a/c	50-832-4520	Ongoing	N/A	N/A	Variable	\$931,406.60
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$41,283.85
NAB	N/A	Term Deposit	89-977-1574	2 months 30 day	25.03.2018	24.06.2019	2.47%	\$63,942.59
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$52,041.89
<b>TOTAL</b>								<b>\$1,088,674.93</b>

RESERVE FUNDS								
NAB	N/A	Term Deposit	97-511-4454	2 months 30 day	25.03.2019	24.06.2019	2.47%	\$165,607.88
NAB	N/A	Term Deposit	89-972-5236	2 months 30 day	25.03.2019	24.06.2019	2.47%	\$459,700.53
NAB	N/A	Term Deposit	11-186-3992	2 months 30 day	25.03.2019	25.03.2019	2.47%	\$1,096,633.68
<b>TOTAL</b>								<b>\$1,721,942.09</b>

TRUST								
NAB	N/A	Trust a/c	50-832-4559	Ongoing	N/A	N/A	Variable	\$21,738.51
<b>TOTAL</b>								<b>\$21,738.51</b>

INVESTMENT REGISTER						
01 JULY 2018 TO 30 APRIL 2019						
NATIONAL AUSTRALIA BANK						
ACCOUNT N <sup>o</sup>	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 30.04.2019	INVESTMENT TRANSFERS	CLOSING BALANCE 30.04.2019
86-538-7363	Ongoing	Variable	\$41,141.54	\$142.31	0	\$41,283.85
89-977-1574	25.06.2019	2.47%	\$62,683.84	\$1,258.75	0	\$63,942.59
24-831-4222	Ongoing	Variable	\$51,862.49	\$179.40	0	\$52,041.89
97-511-4454	24.06.2019	2.47%	\$162,347.79	\$3,260.09	0	\$165,607.88
89-972-5236	24.06.2019	2.47%	\$450,651.08	\$9,049.45	0	\$459,700.53
11-186-3992	25.03.2019	2.7%	\$1,075,045.84	\$21,587.84	0	\$1,096,633.68

### **Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained he report in further detail.

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0506**    **Investments as at 30 April 2019**

**That the Investment Report as at 30 April 2019 be received.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Percy Lawson**

**Motion put and carried: 4/0**

### 11.3.3 Financial Activity Statement for the Period ended the 30 April 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 May 2019
Attachments	<ul style="list-style-type: none"> <li>• Statement of Comprehensive Income ending the 30 April 2019;</li> <li>• Financial Activity Statement; ending 30 April 2019</li> <li>• Summary of Current Assets and Current Liabilities as of 30 April 2019;</li> <li>• Statement of Current Financial Position as at 30 April 2019;</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**

2.4 Material Variance

## **Financial Implications**

The Financial Activity Statements reflect the financial situation of the Shire as at year to date.

## **Consultation**

Nil

## **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; and
- 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 column.

## **Voting Requirements**

Simple Majority

## **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0507    R34 (1) Financial Activity Statement for the Period ended the 30 April 2019.**

**That Council:**

**Adopts the Financial Activity Statement for the period ended 30 April 2019.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Tamisha Hodder**

**Motion put and carried: 4/0**

## 11.4 ADMINISTRATION

### 11.4.1 Report on Matters Outstanding as at 23 May 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 May 2019
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
31 Mar 17	Under-taking a Review of the Shire of Yalgoo Policies	That the CEO under-take a review of the Shire Policies over the next three months	Review undertaken on the 22 February 2019 as to whether policies are to be deleted or incorporated into the Management policies/Procedure Manual or the HR Employee Manual  Matter subject to a report on this Agenda.

<b>MATTERS OUTSTANDING</b>			
<b>MEETING DATE</b>	<b>ITEM REFERENCE</b>	<b>RESOLUTION</b>	<b>CURRENT STATUS</b>
28 July 2017	Review of Local Laws	Council authorised the CEO to implement a review of Local Laws	Third quote received  Budget allocation is Required 2019/20
23 March 2018	Application for a prospecting licence	Council authorises the CEO to locate a suitable prospecting area close to the Yalgoo town site and make application to the Mining Registrar for registration.	The Shire now holds a prospecting lease.  Completed
26 October 2018	Shire of Yalgoo Tourism Advisory Committee	Council resolved to establish the Advisory Committee and appointed the CEO and Crs. Gail Trenfield and Tamisha Hodder	A public submission has been received and will be presented at this meeting, still waiting on DBCA on the involvement.
31 January 2019	House Safety of Lot 220, 82 Piesse Street Yalgoo	That Council Requests the CEO to investigate the safety of the house owned by Timothy Simpson and Gloria Merry at lot 220, 82 Piesse Street, Yalgoo.	EHO has planned an inspection for the May visit.  Matter subject to a report on this Agenda
22 March 2019	Yalgoo and Paynes Find Landfill Site	1) That the CEO prepare a report detailing the schedule of works required to be undertaken to bring the Yalgoo and Paynes Find Landfill sits in compliance, alternative methods of disposal and related costs. 2) Request the Landfill Sites be cleaned and windblown waste to be removed from fences and surrounding areas.	Budget allocation is required 2019-20  Report now Complete  Allocation of funds in 2019/20 Annual Budget is required.
26 April 2019	Significant Audit Findings for the year ended 30 June 2019.	That Council forward a copy of the report to the Minister for Local Government Sport and Cultural Industries.	27 May 2019
26 April 2019	National Congress and Business Expo 2019	The Item was deferred to the next Ordinary Council Meeting.	Matter subject to a report on this Agenda

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
26 April 2019	Redirection of the Paynes Find Wagga Wagga Road to bypass the Muralgarra Homestead	That Council is willing to initiate the deviation of the Paynes Find Wagga Wagga Road to bypass the Muralgarra Homestead on the basis that EMR Golden Grove meet all costs associated with the deviation, closure and amalgamation of the road subject to the response received, the CEO to further investigate the process and prepare an estimate of costs.	EMR – Golden Gove notified of decision.  The CEO will now liaise with EMR over the process.  Complete

**Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further detail.

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0508**     Report on Matters Outstanding as at 23 May 2019

**That Council:**

**Receives Report N<sup>o</sup> 11.4.1 Report on Matters Outstanding as at 23 May 2019.**

**Moved: Cr Tamisha Hodder**

**Seconded: Cr Percy Lawson**

**Motion put and carried: 4/0**

**11.4.2 Report on Donation and Sponsorship – Yalgoo Shooting Association**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	24 May 2019
Attachments	Letter dated 15 May 2019 from the Yalgoo Shooting Association

**Matter for Consideration**

That Council give consideration to making a financial contribution to the Yalgoo Shooting Association to allow the club sufficient time to become established and fund member days and regional shooting matches.

**Background**

The Shire as part of the development of the Sporting Complex has redeveloped the nearby shooting range. A club has now been formed.

**Statutory Environment**

**Shire of Yalgoo Policy Manual**

**7.7 DONATIONS AND SPONSORSHIP**

Introduction	From time to time, requests are received for Council to donate to particular causes or events, or to support individuals financially.	
Objective	To establish a framework for the consideration of requests for donations, sponsorship or in-kind support	
History	Adopted	15 May 2008
	Former Policy	4.10
	Amended / confirmed	21 August 2008

**Policy Statement**

1. *As a general practice, Council will restrict making donations of cash, materials and/or works to organisations which benefit the local community.*
2. *Sponsorship of individuals will not be considered, unless it is determined by Council that –*
  - *the person is representing the Shire as a community,*
  - *is acting for the Shire’s benefit to some extent, and*
  - *is authorised by a non-profit and non-government organisation which benefits the community.*
1. *The following Policy Schedules are adopted, and form part of this Statement –*
  - *7.7 (a) – Request for Support.*
  - *7.7 (b) – Criteria for Assessment of Requests*

– End of Policy

**Policy Schedule 7.7(a) – Request for Support**

*Donation requests should be made before 1 April each year for funding in the next financial year.*

*Priority is given to new initiatives which enhance the lifestyle of those living within the area.*

*Previously successful applicants should not assume that funding will always be granted. Other sponsorship priorities and eligibilities are listed on an attached sheet.*



*This information form is designed to assist you in making your application for donation and to enable us to efficiently deal with your request.*

**Please return to:**      **Chief Executive Officer**  
                                  **Shire of Yalgoo**  
                                  **37 Gibbons Street**  
                                  **YALGOO WA 6635**

<i>Name of Organisation</i>	
<i>Postal Address</i>	
<i>Contact &amp; Position</i>	
<i>Telephone</i>	(W) <span style="float: right;">(H)</span>
<i>Aims of Organisation</i>	
<i>When was your organisation established?</i>	
<i>Is your group a non-profit organisation?</i>	YES / NO
<i>Is your group a registered association?</i>	YES / NO
<i>Does your group have an ABN?</i>	YES / NO If yes, ABN

**DONATION AGREEMENT**

If donation is approved I agree:

- To provide the Shire of Yalgoo with a tax invoice for the amount granted
- To present the Shire with a report on the event including a financial report of the sponsorship expenditure, copies of material which feature the Shire’s logo and a brief assessment of the projects’ success (donations over \$500 only)
- Notify Council immediately, if the donation amount granted is used differently to what was listed in the application form.

I certify that the information supplied in this form is correct, and that I am authorised to make application for assistance on behalf of the organisation named

Signature		Name	
Position		Date	

**PREVIOUS ASSISTANCE**

Details of any previous assistance of your organisation by either direct donation or by waiving service costs

Date	
Amount	
Purpose	

**PRESENT APPLICATION**

If you have any further information you would like to include with your application form please attach.

Amount requested	
Date when support is required	
Project description	
How will the event/project benefit the Shire of Yalgoo community?	
Is this a regular project or a one-off event? Please provide detail	
Please detail how the support of Shire will be used	
What acknowledgement will the Shire receive for its support?	

**BUDGET SUMMARY**

Please attach a detailed budget for the project if appropriate.

INCOME	Shire support requested	\$
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	<i>Other sources –</i>	\$
		\$
	<i>Total</i>	\$

<i>EXPENDITURE</i>		\$
		\$
		\$
		\$
	<i>Total</i>	\$

– End of Schedule

**Policy Schedule 7.7 (b) – Criteria for Assessment of Request**

*Applicants should note that donations will be made at the absolute discretion of Council and that Council may use the following criteria when addressing applications.*

*Donation requests will not be considered where:*

- *The applicant is a private and for profit organisation or association*
- *The applicant is an individual person*
- *The applicant is in relation to general fundraising*
- *The application is for funding for conferences and conventions*

*Priority will be given where;*

- *The applicant is a registered not for profit organisation and has a base or visible presence in the Shire of Yalgoo.*
- *The applicant is a community group based in the Shire of Yalgoo or has visible presence within the Shire of Yalgoo or has a significant impact on residents of the Shire of Yalgoo.*
- *The applicant can demonstrate that the funds will provide some benefit to the Shire of Yalgoo residents.*
- *The funds are required for a new initiative or significant once off project.*
- *The applicant has not received a donation from Council within the previous two years.*
- *If the donation is for an event, entry to the event is free of charge to Shire of Yalgoo residents to attend and participate.*
- *The application is made in the financial year prior to the funds being required in time for inclusion in the coming year’s budget deliberations.*

– End of Schedule

**Strategic Implications**

Promotion of the Shire and participation by members of the Yalgoo Community.

**Consultation**

Nil

**Comment**

Whilst Council Policy 7.7 requires additional information, the Council may decide to waive the requirement on the basis that the Club has only recently re-established itself. The Club also satisfies the criteria set in the policy.

The Club is requesting financial assistance of \$5,000 per annum over the next 3 years commencing from 2019-20 financial year. The funds will enable the club to hold member days and regional shooting matches which it anticipates to draw competitors and visitors to Yalgoo.

Council may give consideration to making a year by year contribution or alternately for a three year period. In view that the club as only recently reformed and Policy 7.7 details the information to be supplied with the application it is recommended that the club be funded for the first year, this will enable the club to make further applications in subsequent years and provide the information required to Council.

**Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further detail.

Cr Robert Grinham asked if this request is a one off contribution.

CEO Silvio Brenzi advised the request was initially for \$5,000 per annum over 3 years, but the shire's policy does not allow.

**OFFICER RECOMMENDATION / COUNCIL DECISION****C2019-0509     Report on Donation and sponsorship – Yalgoo Shooting Association**

**That Council:**

- 1.     Make a financial contribution in the 2019-20 Financial Year of \$5,000 to assist the Yalgoo Shooting Association in funding it operations and events,**
- 2.     Subject to (1) above the Yalgoo Shooting Association be informed accordingly, and**
- 3.     Subject to (1) and (2) as sum of \$5,000 be allocated in the 2019-20 Annual Draft Budget.**

**Moved: Cr Percy Lawson**

**Seconded: Cr Tamisha Hodder**

**Motion put and carried: 4/0**

### 11.4.3 Report on National Congress and Business Expo 2019 – The Future Local Government Leader

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 April 2019
Attachments	- Conference Brochure - Policy 3.2 – Conference and Training – Attendance and Expenses

#### Matter for Consideration

That Council grant approval for the CEO to attend the Local Government Professionals National Congress and Business Expo 2019 to be held from 31<sup>st</sup> July to 2<sup>nd</sup> August 2019 at the Darwin Convention Centre.

#### Background

Council at its Ordinary Meeting held on 26 April 2019 resolved to defer the item and accordingly its now presented to Council for consideration.

In accordance with the clause 12.10.3 of the CEO’s Contract of Employment the CEO is entitled to attend one conference or other professional development activity per year at the Shire’s expenses to a maximum duration of one week and a maximum total cost (including travel and accommodation) of \$2,000. Council may upon application from the CEO, approve additional professional development activities in excess of the duration and cost.

#### Statutory Environment

CEO’s Contract of Employment Clause 12.10.3.1 and 12.10.3.2

Policy 3.2 – Conference and Training – Attendance and Expenses Item 7

7. There is an automatic disposition against interstate and overseas conferences and training. These will only be approved where there is clear and undisputed direct benefit (not simply relevance) to matters affecting the Shire of Yalgoo. The Council may consider registration fees, accommodation costs and incidentals, but will not reimburse or cover travel costs except as specified in this Policy and its Schedules.

#### Financial Implications

The estimated cost of attending this conference is as follows;

- Registration fees	\$1,550 (excluding GST)
- Accommodation	\$1,000 (excluding GST)
- Meals & Sundries	\$750 (excluding GST)
<b>Total</b>	<b>\$3,300</b>

#### Consultation

Nil

#### Comment

The National Congress and Business Expo 2019 will be held from the 31 July to 2 August 2019 at the Darwin Convention Centre. The Congress is titled “The Future Local Government Leader” and will feature sessions

with thought provoking ideas pushing the boundaries of what Local Government can achieve, updates on sector trends in Australia and abroad, and inspiring keynote speakers, international guests and experts discussing topics such as the politics of leadership, debunking the myths, collaborations between Councils and other levels of government, the future of work.

### **Voting Requirements**

Simple Majority

CEO Silvio Brenzi informed this item was deferred to this meeting from April's Ordinary Council Meeting so council can re-assess.

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0510     Report on National Congress and Business Expo 2019 – The Future Local Government Leader**

**That Council:**

**Approve of the CEO attending the Local Government Professionals National Congress and Business Expo 2019 from the 31 July to the 2 August 2019 at the Darwin Convention Centre, Darwin**

**Moved: Cr Robert Grinham**

**Seconded: Cr Tamisha Hodder**

**Motion put and carried: 4/0**

#### 11.4.4 Appointment of A Chief Executive Officer

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	24 May 2019
Attachments:	Local Government Operational Guideline No. 10 – Appointing a CEO

#### Matter for Consideration

The selection and appointment of a Chief Executive Officer.

#### Background

In May 2019 the Chief Executive Officer resigned.

With regards to the appointment of a part time CEO Section 5.36 of the Local Government Act requires a local government to employ a suitably qualified person to fill the position, Section 5.39 contains provisions for the employment contract and Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

#### Statutory Environment

##### Local Government Act 1995

##### 5.36. Local Government employees

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied\* with the provisions of the proposed employment contract.

*\* Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied with the proposed arrangements relating to the person’s employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

### 5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
  - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
  - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
  - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
  - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
  - (a) the expiry date is specified in the contract; and
  - (b) there are specified in the contract performance criteria for the purpose of reviewing the person’s performance; and
  - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

*[Section 5.39 amended: No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13 (correction to reprint: Gazette 28 Mar 2013 p. 1317).]*

### 5.40. Principles affecting employment by local government

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and



- (f) such other principles, not inconsistent with this Division, as may be prescribed.

**Local Government (Administration) Regulations 1996**

**18A. Vacancy in position of CEO or senior employee to be advertised (Act s 5.36(4) and 5.37 (3))**

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —
- (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
  - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) An advertisement referred to in subregulation (1) is to contain —
- (a) the details of the remuneration and benefits offered; and
  - (b) details of the place where applications for the position are to be submitted; and
  - (c) the date and time for the closing of applications for the position; and
  - (d) the duration of the proposed contract; and
  - (e) contact details for a person who can provide further information about the position; and
  - (f) any other information that the local government considers is relevant.

**18B Contract of CEOs and senior employees, content of Act s. 5.39(3)(c)**

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year’s remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

**18C Selection and appointment process for CEOs**

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

**18F Remuneration and benefits of CEO to be as advertised**

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

**Business Implications**

The Shire is to employ a CEO and such other persons as the Council believes are necessary to enable the functions of the Council are performed

**Consultation**

Nil

## Comment

Regulation 18A of the Local Government (Administration) Regulations 1996 sets out the advertising requirements for the recruitment of a CEO. Prior to initiating the process of advertising for the position, it must first be approved by the Council.

The following options are available to Council to assist in the appointment of a CEO

- Management of the recruitment process internally.
- The process can be managed by the President and the outgoing CEO.
- Engagement of a recruitment agency

Quotations to be obtained from at least 3 recruitment agencies and each agency to address the following criteria.

- Resources and methodologies for attracting candidates.
- Track Record
- Ability to support and advise in the recruitment process i.e. position descriptions, selection panel, shortlisting, interviewing and reference and qualification check
- Cost and Fees

It is recommended that the following checklist be followed in relation to the recruitment and appointment of a CEO if Council decides to recruit internally or by the use of a recruitment agency.

## CHECKLIST

- Develop a profile of the preferred applicant (i.e. desired and essential skills, abilities, knowledge and qualifications).
- Approve an agreed salary package (set a suitable salary package that complies with the determination under section 7A of the Salaries and Allowances Act 1975)
- Review necessary documentation (contract of employment and position description).

NB: The key provisions to be included in the contract are: an expiry date, performance criteria and reference to the limit placed on the remuneration to be paid should the contract be terminated prior to the expiry date.

- Approve a process to be used for the selection and appointment of the CEO (i.e. stages of the process, who is to be involved and to what extent, whether a consultant is appointed and their role in the process).

NB: It is good practice for council to formally adopt a process to ensure transparency, clarity and a shared understanding. Once adopted, the process should be followed unless found to be flawed, in which case a decision should be made to amend the process as soon as possible.

- Advertise the position inviting applications from suitably qualified applicants (advertisement to contain information set out in 18A(2) of the Local Government (Administration) Regulations 1996).

- Applicants to be short listed (may be undertaken by consultants, selection panel/ committee or council).

NB: It is noted that in most cases this is done by the consultants or the selection panel/committee in conjunction with the consultants.

- Conduct interviews of the short listed applicants (may be undertaken by consultants, selection panel/ committee or council).

NB: This may be done prior to the final decision to appoint if availability of preferred applicant is limited due to travel arrangements etc. If not interviewed by the entire council it is recommended that all elected members meet with the preferred applicant prior to final appointment.

- Select preferred applicant/s (make recommendation for council to offer the position to the 1st preferred applicant subject to contractual negotiations, within the designated salary package, including the preliminary performance criteria to be contained in the contract).

NB: If 1st preferred applicant is not accepted or declines the offer, a decision may be made on any 2nd or 3rd preferred applicant in line until an offer and acceptance is reached or until no preferred applicants are appointed (applicants identity may remain confidential until such time a final appointment is made).

- Approve the formal and final appointment (must be decision by council that it: (i) believes the person is suitably qualified for the position of CEO; and (ii) is satisfied with the provisions of the proposed CEO employment contract).

NB: Absolute majority decision required for (ii).

### Voting Requirements

Simple Majority

### OFFICER RECOMMENDATION

#### Appointment of A Chief Executive Officer

##### That Council:

- Conduct the recruitment process internally with the process to be managed by the President and outgoing CEO

or

- Engage a recruitment agency, quotations be obtained from at least 3 recruitment agencies and each agency to address the following criteria;

- Resources and methodologies for attracting candidates
- Track record
- Ability to support and advise in the recruitment process i.e. position descriptions, selection panel, shortlisting, interviewing and reference and qualification check
- Cost and Fees

Moved: Cr Robert Grinham

Seconded: Cr Tamisha Hodder

Motion put and carried:

CEO Silvio Brenzi explained the report in further detail.

Cr Robert Grinham suggested it would be best for the current CEO and the Shire President to be involved in the recruitment process.

President Cr Joanne Kanny requested a motion be moved to amended the Officers Recommendation to include “with the process to be managed by the Shire President and Outgoing CEO and assisted by a selected recruitment agency to be determined by quotation and appointed by the CEO and President”.

The motion was moved by Cr Robert Grinham and seconded by Cr Tamisha Hodder

There being no further debate on the matter the motion was put and carried 4/0.

#### **AMENDMENT / COUNCIL DECISION**

##### **C2019-0511 Appointment of A Chief Executive Officer**

##### **That Council:**

- Conduct the recruitment process, with the process to be managed by the Shire President and outgoing CEO and assisted by a selected recruitment agency to be determined by quotation and appointed by the CEO and President.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Tamisha Hodder**

**Motion put and carried: 4/0**

**11.4.5 Financial Contribution – Feature Film “Before Dawn”**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	24 May 2019
Attachments:	Brochure

**Matter for Consideration**

That Council give consideration to making a contribution of \$\_\_\_\_\_ towards the feature film “Before Dawn”.

**Background**

The shire as previously made a financial contribution of \$10,000 for the film “ The Decadent and the Depraved” to the same organisation.

**Statutory Environment**

**Shire of Yalgoo Policy Manual**

**7.7 DONATIONS AND SPONSORSHIP**

Introduction	From time to time, requests are received for Council to donate to particular causes or events, or to support individuals financially.	
Objective	To establish a framework for the consideration of requests for donations, sponsorship or in-kind support	
History	Adopted	15 May 2008
	Former Policy	4.10
	Amended / confirmed	21 August 2008

**Policy Statement**

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3. *As a general practice, Council will restrict making donations of cash, materials and/or works to organisations which benefit the local community.*
4. *Sponsorship of individuals will not be considered, unless it is determined by Council that –*
  - *the person is representing the Shire as a community,*
  - *is acting for the Shire’s benefit to some extent, and*
  - *is authorised by a non-profit and non-government organisation which benefits the community.*
2. *The following Policy Schedules are adopted, and form part of this Statement –*
  - *7.7 (a) – Request for Support.*
  - *7.7 (b) – Criteria for Assessment of Requests*

– End of Policy

**Financial Implications**

An allocation to be made in the 2019-20 Annual Budget should Council approve a financial contribution towards the feature film.

**Consultation**

Nil

**Comment**

Prince Wright Productions is seeking a financial contribution to produce a Feature film “Before Dawn”, a film about ANZAC’s during the grate war.

The levels of sponsorship packages are summarised as follows;

- Executive Producer \$50,000+
- Associate Producer \$30,000+
- Platinum Sponsor \$20,000+
- Gold Sponsor \$10,000+
- Silver Sponsor \$5,000+
- Soldier Sponsor \$1,000+
- Supporter Sponsor \$1,000+

All of the above mentioned sponsorship packages are financial or in-kind support to the value of the package in return the sponsors will recognition and personal gifts, these are detailed in the brochure attached.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0512 Financial Contribution – Feature Film “Before Dawn”**

**That Council:**

- 1. Make / or not make a financial contribution to Prince-Wright Productions for the making of the feature film “Before Dawn”**
- 2. Subject to (1) above a Financial Contribution amounting to \$\_\_\_\_\_ be made, and**
- 3. Subject to (1) and (2) above the amount be incorporated in the 2019-20 Annual Draft Budget.**

**Moved: Cr Percy Lawson**

**Second: Cr Robert Grinham**

**Motion put and lost: 0/4**

Cr Joanne Kanny advised this report is in regards to the presentation received from Jordon Prince-Wright during Item 10 - PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters.

Cr Robert Grinham requested that this Item be deferred to June’s Ordinary Council Meeting to allow time for elected members to read the Brochure.

Jordon Prince-Wright advised he would need a decision by the 20 June 2019.

President Cr Joanne Kanny advised a special meeting of council will need to be called before the 20<sup>th</sup> June 2019.

As the motion was lost, President Cr Joanne Kanny moved a new motion which was second by Cr Percy Lawson.

There being no further debate on the matter the new motion was put and carried 4/0.

#### **COUNCIL DECISION**

##### **C2019-0513 Financial Contribution – Feature Film “Before Dawn”**

**That President Cr Joanne Kanny call a Special Meeting of Council prior to the 20<sup>th</sup> June 2019 for the purpose of giving consideration to Item 11.4.5 Financial Contribution – Feature Film “Before Dawn”.**

**Moved: Cr Joanne Kanny**

**Second: Cr Percy Lawson**

**Motion put and carried: 4/0**

### 11.4.6 Review of the Draft Shire of Yalgoo Employee Orientation and Human Resources Manual

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	25 May 2019
Attachments	- Employee Orientation and Human Resources Manual - Council Report 11.4.4 Review of Council Policies 22 February 2019

#### Matter for Consideration

That Council review the Draft Shire of Yalgoo Employee Orientation and Human Resources Manual prepared by the Shires Consultants LG People and Culture Workforce and Management Services and recommend any amendments to the manual before formal adoption by the Council.

#### Background

Council at its Ordinary Council Meeting held 22 February 2019 gave consideration to Report 11.4.4 Renew of Council Policies and determined which policy was to be rescinded and incorporated into a management policies/procedures manual or a HR Employee Manual and resolved in part as follows;

- “(1) Rescind the policies as detailed above and in the Consultant’s report Policy Hierarchy Review February 2019 and such policies be incorporated in the Management Policies/Procedure Manual or the HR Employee Manual.”*

#### Statutory Environment

##### **Local Government Act 1995**

##### **Section 2.7 – Role of council**

- (1) *The Council*
- (a) *governs the local government’s affairs; and*
  - (b) *is responsible for the performance of the local government’s functions.*
- (2) *Without limiting subsection (1), the council is to –*
- (a) *oversee the allocation of the local government’s finances and resources; and*
  - (b) *determine the local government’s policies.*

#### Strategic Implications

The review of the administrative policies will set the appropriate governance and management levels for the Shire.

#### Consultation

LG People and Culture Workforce and Management Services



**Comment**

The Policy Hierarchy Review detailed that the following policies would be incorporated in the HR Employee Manual.

<u>Policy No.</u>	<u>Description</u>
3.6	Use of Information Technology
3.8	Complaints
10.2	Employee Health and Safety Policy
10.3	Sexual Harassment Policy
10.4	Fitness for Work
10.4 A	fitness for Work Procedures
10.4 B	Drug Testing Additional Information
11.5	Superannuation
11.7	Severance and Redundancy Pay
11.8	Offer of Employment

A review of the Draft Employee Orientation and Human Resources Manual prepared by the Shire’s consultants LG People and Culture Workforce and Management Services reveals the following;

Page No.	Description		Comment	
15	Purchasing Thresholds		It is recommended that the Purchasing Thresholds be as follows	
	Amount of Purchase	Model Policy	Amount of Purchase	Model Policy
	Up to \$1,000	Direct purchase from suppliers –  - Where an item of frequent supply or in association with other work, quotations not required.  - Where an infrequent supply over \$500 two verbal quotation required	Up to \$10,000	Goods and Services valued up to \$10,000 (inclusive of GST) do not require the conduct of a competitive process subject to the CEO authorising the purchase or his nominated officer in his absence.  An official purchase order to be raised for all such purchases.
	\$1,001 - \$19,999	- Obtain at least three verbal or written quotes	Delete	Delete
	\$20,000 - \$39,999	- Obtain at least three written quotations	Delete	Delete

Description		Comment	
\$40,000 - \$99,999	- Obtain at least three written quotes to be considered by panel of CEO and either of Executive Manager Corporate or Executive Manager Works and Infrastructure	Delete	Delete
Over \$100,000	- Conduct a Public tender process, as prescribed under the Local Government Regulations.	Delete on the basis that this threshold is \$150,000	Delete
		\$10,001 to \$149,999	Obtain at least three (3) written quotations or by utilising a pre-qualified panel of suppliers such as WALGA Preferred Suppliers Contracts.  At least three (3) Preferred Suppliers to be requested to quote.  An official purchase order to be raised for all such purchases.

			\$150,000 and Over	<ul style="list-style-type: none"> <li>- Conduct a public tender process as prescribed under the Local Government Act 1995 and regulations, or</li> <li>- By utilising a prequalified panel of suppliers such as WALGA Preferred Supply Contracts. At least three (3) Preferred Suppliers be requested to quote</li> <li>- A report to be prepared for Council consideration and adoption</li> <li>- A contract be entered into by the Shire and the Supplier</li> </ul>
15	Purchase Orders	The Shire uses Synergy soft	Purchase Orders	The Shire Uses OZONE (Be amended accordingly)
18-19	Employee Assistance Program	<p><b>Employee Assistance Program</b></p> <p>The Shire recognises that from time to time, an employee may require counselling or other assistance to address personal issues. The Shire of Yalgoo will provide a free, professional and confidential Employee Assistance Program (EAP) external counselling service to all employees.</p>	Employee Assistance Program	Council to confirm or amend

		<p>The EAP not only offers counselling in work related issues, but specialist counselling in a range of areas including:</p> <ul style="list-style-type: none"> <li>• Mental Health and Suicide Prevention</li> <li>• Alcohol and Drug use</li> <li>• Gambling and Financial issues</li> <li>• Domestic Violence</li> <li>• Parent/Adolescent counselling</li> <li>• Loss and Grief</li> <li>• Family and Relationship issues.</li> </ul> <p>Should you require any further information in relation to this area please contact the CEO.</p>		
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Council is requested to give consideration to the above mentioned amendments.

**Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further detail, explaining this HR Manual is already in use which was modified to include the material from Worksafe and the policies relating to the Councillors were extracted creating its own Governance Policy which is an Item in this agenda Item 11.4.8 - Review of the Draft Shire of Yalgoo Governance and Policy Manual.

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0514     Review of the Draft Shire of Yalgoo Employee Orientation and Human Resources Manual**

**That Council:**

**Informs the Shire’s Consultants LG People and Culture Workforce and Management Services, that it has reviewed the Draft Employee Orientation and Human Resources Manual and wishes to make no changes or make the changes as detailed in Report 11.4.6 Review of the Draft Shire of Yalgoo Employee Orientation and Human Resources Manual.**

**Moved: Cr Tamisha Hodder                      Seconded: Cr Robert Grinham                      Motion put and carried 4 /0**

### 11.4.7 Draft Organisational Risk Management Plan

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	25 May 2019
Attachments	Draft Organisational Risk Management Plan

#### Matter for Consideration

That Council give consideration to adopting the Draft Organisational Risk Management Plan.

#### Background

Risk management creates value for Local Governments and Communities by effectively managing the business systems and processes to achieve an appropriate balance between realising opportunities for gain will minimise adverse impact. Managing risk means balance risk with reward.

#### Statutory Environment

##### **Local Government (Audit) Regulation 1996**

##### **17 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 not less than once in every 3 financial years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

#### Strategic Implications

Risk Management will enable elected members and officers to establish processes for sound decision making and maximise the potential to achieve goals and objectives and minimise the potential for harm or loss.

#### Consultation

LG People and Culture Workforce and Management Services.

#### Comment

The Shire’s consultants LG People and Culture Workforce and Management Services have prepared a Draft Organisational Risk Management Plan to be used by the Council, Executive, Line Manager, Staff, Contractors and Volunteers to ensure the effective management of strategic and operational risks across the Shire in decision making, project management, operations and events.

Council is requested to give consideration to adopting the plan which inform will be underpinned by an Organisational Risk Management Policy.

## **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0515    Draft Organisational Risk Management Plan**

**That Council:**

**Adopts the Organisational Risk Management Plan as attached to report no. 11.4.7.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Tamisha Hodder**

**Motion put and carried: 4/0**

### 11.4.8 Review of the Draft Shire of Yalgoo Governance and Policy Manual

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	24 May 2019
Attachments	Governance and Policy Manual

#### Matter for Consideration

That Council review the Draft Shire of Yalgoo Governance and Policy Manual prepared by the Shire’s consultants LG People and Culture Workforce and Management Services and recommend any amendments to the Manual before formal adoption by the Council.

#### Background

Council at its Ordinary Council Meeting held 22 February 2019 gave consideration to Report 11.4.4 Review of Council Policies and determined which policies would be retained in the Policy Manual and which policies should be rescinded.

#### Statutory Environment

##### **Local Government Act 1995**

##### **Section 2.7 – Role of council**

- (1) *The Council*
  - (a) *governs the local government’s affairs; and*
  - (b) *is responsible for the performance of the local government’s functions.*
- (2) *Without limiting subsection (1), the council is to –*
  - (a) *oversee the allocation of the local government’s finances and resources; and*
  - (b) *determine the local government’s policies.*

#### Strategic Implications

The review of the administrative policies will set appropriate governance and management levels for the Shire.

#### Consultation

LG People and Culture Workforce and Management Services.

#### Comment

The Policy Hierarchy Review detailed that the following policies would be incorporated to this component of the manual.

<b><u>Policy No.</u></b>	<b><u>Description</u></b>
1.2	Standing Orders
1.3	Authorised Meeting – Claims
1.4	Council Chamber Usage
1.5	Portraits in Council Chambers
1.6	Councillors Recognition of Service
1.7	External Organisation – Council Representatives
1.8	Elected Member Records – Capture and Management
1.9	Shire Logo
1.10	Digital Recording of Proceedings on Council meetings

A review of the Draft Manual reveals the following;

Item No.	Description	Comment
2.3	Shire Community Vision and Mission	In line with the Strategic Community Plan
2.4	Shire Strategic Key Focus Areas and Objects	In line with the Strategic Community Plan
6.1	Co-ordinator of Governance and Technical Services	Reference to be amended to the Chief Executive Officer
6.2	Co-ordinator of Governance and Technical Services	Reference to be amended to the Chief Executive Officer. Paragraph to be reworded.
6.2	Complains about Council Members and committee Members. Referencing the Co-ordinator of Governance and Technical Services.	Reference to be amended to the Chief Executive Officer. Paragraph to be reworded.
4.8	External Organisation – Council Representatives	Current list of appointments to be provided to the consultants for insertion
4.12	Media Contact	Consultants be requested to prepare a Draft Policy
4.13	Freedom of Information	Consultants be requested to prepare a Draft Policy
4.14	Senior Staff	May not be relevant for the Shire Section 5.37 of the Local Government Act 1995 states that a Local Government may designate employees or persons belonging to a class of employees to be senior employees. Often Senior Executives are designated as senior employees, The Shires organisational chart does not mention these employees apart from the CEO.
4.15	Organizational Risk Management	Reference is made to report No. 11.4.7 Draft Organisational Risk Management Plan. If Council adopts the plan then the consultants should be instructed to prepare this policy.



In order to allow for elected members input to the Policy Manual it is recommended that Council receive and defer the report to the next Ordinary Meeting of Council to be held in June 2019. In the meantime elected members may inform the CEO of any amendments. These amendments will be collated and presented to Council for Consideration.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0516    Review of the Draft Shire of Yalgoo Governance and Policy Manual**

**That Council:**

**Defer the report on the Draft Shire of Yalgoo Governance and Policy Manual to the next Ordinary Meeting of Council to be held in June 2019, to allow elected members sufficient time to review the manual and inform the CEO of any amendments.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Tamisha Hodder**

**Motion put and carried: 4/0**

**11.4.9 CA07 Application – Qube Bulk Pty Ltd – Yalgoo Ninghan Road**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	25 May 2019
Attachments	- CA07 Application - Factsheet PBS 60 metre Road Trains - Map - Asset List

**Matter for Consideration**

To consider an application received from Qube Bulk to operate restricted access vehicles along the Yalgoo Ninghan Road to the Golden Grove Mine Site a distance of 50.21 kilometres to transport copper, zinc and HMP.

**Background**

Restricted Access Vehicles (RAV) categories are grouped into assessment levels. The current Main roads network classification for the Yalgoo Ninghan Road is as follows;

- RAV 10 / AMMS level 3 and Tri Drive Network 5:3.

EMR Golden Grove currently makes contributions to the section of the Yalgoo Ninghan road between the Geraldton – Mt Magnet Road and the Golden Grover Mine Site.

**Statutory Environment**

***Shire of Yalgoo Policy Manual V2.1***

**13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire roads)**

*Introduction* Main Roads WA issues road network use permits for RAV (restricted access vehicles). Where the road network includes Shire road/s, a local government can impose a condition, called a CA07 condition, for RAVs that requires the operator to carry written approval from the LG authority permitting use of the road.

*Objective* This policy is intended to provide guidance as to:

- Placement of CA07 condition for RAV access on Shire roads
- The method of application
- Which applications the CEO can determine, and which must be submitted to Council for determination.

<i>History</i>	<i>Adopted</i>	<i>28 May 2013 (C2013-0506)</i>
	<i>Former Policy</i>	<i>Nil</i>
	<i>Amended / confirmed</i>	

**Policy Statement**

*The Shire maintains its road network in accordance with Policy 13.3 Road Asset Management Priorities.*

1. *The CEO of the Shire is authorised to apply CA07 conditions on Shire roads where deemed necessary to manage RAV access in order to preserve the condition of the road and avert financial losses through heavy vehicle damage.*

2. Where a CA07 condition exists, RAV operators must complete and lodge a written application on the Shire’s CA07 application form and pay the CA07 processing fee. Operators must provide all information detailed on the form, and additional information where requested.
3. The CEO of the Shire of Yalgoo is authorised to determine the outcome of applications where the total tonnage is 50,000 per annum or less.
  - (i) Where the CEO declines an application, the applicant has the right to lodge a written appeal which will be presented to Council for consideration.
4. For applications exceeding 50,000 tonne per annum, the application must be submitted to Council for consideration and must contain a full proposal from the operator including, but not limited to:
  - Vehicle movements
  - Operational controls
  - Contribution to road maintenance
  - Capital investment
  - Asset replacement
  - Consultation with other stakeholders

**13.5 Road Use (RAV Haulage) Agreements Policy**

<i>Introduction</i>	<p><i>The Shire of Yalgoo manages over 1,000 kilometres of local roads, of which the majority are gravel. As at May 2013 less than 200 kilometres of Shire roads are sealed, and most seal is only single lane.</i></p> <p><i>The Shire constructs, maintains and renews these road assets for low volume general traffic with funding from rates, local government financial assistance grants (FAGS), Main Roads through the regional roads group and federal funding through the Roads to Recovery program.</i></p> <p><i>Some of the roads on the Shire’s network are classified under the Main Roads WA network for Restricted Access Vehicles (RAV).</i></p> <p><i>RAV traffic (ie: multi-trailer heavy vehicles) results in significantly increased cost to maintain the road asset, particularly if the road construction is not engineered to sustain such traffic. Wear and tear increases proportionally with the vehicle length, number of trailers, axle combinations and weight of the load carried.</i></p> <p><i>Requests from mines to haul on Shire roads have increased exponentially with multiple potential users in particular for the Yalgoo Ninghan Road.</i></p> <p><i>It is important that the Shire receives adequate compensation from these users to ensure that the Shire can fund construction, maintenance and renewal of its affected road assets.</i></p>
<i>Objective</i>	<p><i>This policy establishes the common factors for Road Use (RAV Haulage) Agreements between the Shire and the road user to enable the Shire to process requests efficiently and consistently; and to secure funding from road users to construct, maintain and renew the Shire’s affected road assets to an appropriate standard of safety and access.</i></p>
<i>Cross Reference 13.4</i>	<p><i>This policy should be read in conjunction with 13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire roads).</i></p>
<i>Type (Council or Operational)</i>	<p><i>Council Strategic Policy</i></p>
<i>History</i>	<p><i>Adopted 23 May 2013 by Council decision C2013-0504</i></p>

## Policy Statement

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1. Council is committed to maintaining its road assets in accordance with the integrated long term financial and asset management plans and associated policies including 13.3 Road Asset Management Priorities.
2. In principle, Council maintains its road assets for general use, and does not have funding to construct or maintain road assets for heavy haulage by Restricted Access Vehicles (RAV).
3. Where road users apply to Council for a CA07 authority to operate Restricted Access Vehicles on roads in the Shire of Yalgoo that are classified under the Main Roads WA permit network, Council may require the user to enter into a Road Use (Restricted Access Vehicle Haulage) Agreement with the Shire.
4. The Agreement will be a legally binding contract in a standard format that will be developed and updated from time to time under professional advice from the Shire's engineers and lawyers.
  - Council approval is required if the applicant makes any material modification to the standard agreement.
5. Council will require the other party to the Agreement to bear all costs associated with the Agreement including but not limited to legal fees involved in entering into the agreement, and the cost of all professional and engineering advice.
6. The Agreement will cover the following minimum provisions:
  - *Pework:* road works that the user agrees to fund and complete before the haulage task commences, in order to prepare the road for the haulage task. The specification for such tasks will be established by the Shire in consultation with engineers and Main Roads as required.
  - *Safety Management Plan:* the user will be required to prepare and lodge a road safety risk assessment and management plan to the Shire for all of the route that is in the Shire (ie: this will include roads under control on Main Roads WA as well as Shire roads).
  - *Bank Guarantee:* the Agreement will stipulate lodgement by the user of a bank guarantee, in an amount that is equal to 50% of the estimated annual haulage task payment. The minimum bank guarantee will be \$200,000 and the maximum will be \$500,000 unless otherwise authorised by Council.
  - *Rate:* the user will pay to the Shire the amount of 1.26 cents per kilometre per tonne. This rate has been established as at May 2013 in consultation with WALGA using statistics and methodology aligned with Austroads. The rate will be reviewed annually through the Shire's annual fees & charges setting process, and the Agreement will provide for earlier review of the rate should the amount prove insufficient to maintain the road to an adequate standard.
  - *Payment:* the user will calculate and pay the amount to the Shire in advance at intervals of no less than quarterly. The first payment will be non refundable in its entirety.
  - *Adjustments:* the user will provide a report to the Shire after each year of haulage showing the total tonnes and kilometres, supported by documentary evidence (eg: reports to Main Roads, rail/port statistics), against which under/over adjustments will be made in the following invoice.
  - *Community Benefit:* Council and community believe in principle that mining activities should return a direct benefit to local communities. The Agreement will therefore state how the user will contribute to the Shire's community programs and/or community infrastructure for the long term benefit of residents of the Shire.

7. *The Shire will expend no more than 70% of the funds received by users on construction and maintenance of the road, and will deposit a minimum of 30% in a reserve for the purpose of future renewal of the road asset.*
8. *Where relevant the Shire may convene, or request the user to convene, user group/s for the purpose of establishing forward works programs on the affected roads and to identify and address safety issues.*
9. *The costs of administering road use agreements will be apportioned to the cost of maintaining the road; and the Shire executive may elect to engage external professional services to administer the agreements.*

– End of Policy

### **Financial Implications**

Decrease in mine traffic due to the utilisation of PBS 60 metre road trains may impact in the financial capacity of the Shire.

### **Strategic Implications**

The utilisation of PBS 60 metre road trains instead of the prescribed 53.5 metre road trains will reduce the number of vehicle movements, bring about safety benefits and improved efficiencies.

### **Consultation**

Nil

### **Comment**

The factsheet issued by Main roads Western Australia attached to this report details the advantages of heavy vehicles operators utilising the PBS 60 metre road trains from the point of view of efficiencies and safety. The community will also benefit from reduction of vehicle movements, reduction of harmful emissions and reduction in speed to 90km/hr.

EMR Golden Grove has an agreement with the Shire of Yalgoo in accordance with Policy 13.5 Road Use (RAV Haulage) Agreement Policy and makes annual contributions towards the renewal and maintenance of this section of the Yalgoo Ninghan Road.

It is noted that while an CA07 application has been received from Qube Pty Ltd, the issue of the permit by the Shire be subject to the payment of the relevant processing fee and recovery costs.

### **Voting Requirements**

Simple Majority

CEO Silvio Brenzi explained the report in further detail

### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0517    CA07 Application – Qube Bulk Pty Ltd – Yalgoo Ninghan Road**

**That Council:**

- 1. Inform Qube Bulk Pty Ltd that it has approved its Restricted Access Vehicles / CA07 Application to have access to the Yalgoo Ninghan Road for haulage purpose, utilising the Performance Based Standards (PBS) 60 metre road trains.**
- 2. Subject to (1) above the CEO be authorised to sign and issue the RAV Permit.**

**Moved: Cr Percy Lawson**

**Seconded: Cr Robert Grinham**

**Motion put and carried: 4/0**

## **Adjournment – Lunch 12.40 pm – 1.08 pm**

President Cr Joanne Kanny requested a motion be moved to adjourn for lunch. The motion was moved by Cr Robert Grinham and seconded by Cr Percy Lawson. There being no debate the motion was put and carried 4/0

Meeting adjourned for lunch at 12.40 pm

President Cr Joanne Kanny re-open the meeting at 1.08 pm

Returning to the meeting were;  
Joanne Kanny, Shire President  
Cr Robert Grinham  
Cr Tamisha Hodder  
Cr Percy Lawson  
Silvio Brenzi, Chief Executive Officer  
Elisha Hodder, Executive Assistant

## **12. NOTICE OF MOTIONS**

### **12.1 PREVIOUS NOTICE RECEIVED**

Nil

## **13. URGENT BUSINESS**

### **13.1 Degazetting of the Muralgarra Wagga Wagga Road**

CEO Silvio Brenzi advised he had received an email from EMR requesting Council to consider degazetting the Muralgarra - Wagga Wagga Road.

A discussion took place as to how it could impact the Community and Tourist that travels the road.

#### **COUNCIL DECISION**

**C2019-0518 Degazetting of the Muralgarra Wagga Wagga Road**

**That Council:**

**Does not support the degazetting of the Muralgarra Wagga Wagga Road.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Percy Lawson**

**Motion put and carried: 4/0**

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

President Cr Joanne Kanny requested a motion be moved to go behind closed doors. The motion was moved by Cr Robert Grinham and second by Cr Percy Lawson. There being no debate on the matter the motion was put and carried 4/0

The meeting was closed to the public at 1.10 pm

**ATTENDANCE:** Elisha Hodder left the room at 1.11 pm

Remaining in the meeting were;

Cr Joanne Kanny, Shire President  
 Cr Robert Grinham  
 Cr Percy Lawson  
 Cr Tamisha Hodder  
 Silvio Brenzi, Chief Executive Officer

### 14.0 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.



**14.1 Report on Inspection of House Located at Lot 209, 28 Piesse Street and Lot 220, 82 Piesse Street**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	25 May 2019
Attachments	- Inspection Report

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2019-0519 Report on Inspection of House Located at Lot 209, 28 Piesse Street and Lot 220, 82 Piesse Street**

**That Council:**

- 1. Accepts the inspection report from Council’s Principal Environmental Health Officer / Building Surveyor in relation to the houses located at Lot 209, 28 Piesse Street and Lot 220, 82 Piesse Street, Yalgoo**
- 2. Request the CEO and the Principal Environmental Health Officer / Building Surveyor to meet with the owners in order to develop a plan to address the problem areas**

**Moved: Cr Robert Grinham**

**Seconded: Cr Percy Lawson**

**Motion put and carried: 4/0**

**14.2 Geraldton Alternative Settlement Agreement**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	25 May 2019
Attachments	- GASA Overview Map - DPLH Process Flow Chart - Spreadsheet showing the land parcels in each ‘Land List’ and the Shire’s Proposed Comments - Summary Report for each Land List

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**2019-0520 Geraldton Alternative Settlement Agreement**

**That Council:**

**Endorse and authorise the CEO to forward the Shire’s response to the Department of Planning, Lands and Heritage as provided in Attachment 3.**

**Moved: Cr Robert Grinham**

**Seconded: Cr Percy Lawson**

**Motion put and carried: 4/0**

President Cr Joanne Kanny re-opened the meeting to the public at 1.42 pm.

Remaining in the meeting were;

- Cr Joanne Kanny, Shire President
- Cr Robert Grinham
- Cr Percy Lawson
- Cr Tamisha Hodder
- Silvio Brenzi, Chief Executive Officer

**15. NEXT MEETING**

The next Ordinary Meeting of Council is due to be held at the Yalgoo Council Chambers, Yalgoo on Friday 28 June 2019 commencing at 11.00 am.

**16. MEETING CLOSURE**

There being no further business, the President declared the Ordinary meeting closed at 1.43 pm

**DECLARATION**

These minutes were confirmed at the Ordinary Council Meeting held on the 28 June 2019.

Signed: \_\_\_\_\_  
Person presiding at the meeting at which these minutes were confirmed.

