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Attachments

Alexander Planning – Concept Plans



Agenda for the Ordinary Meeting of the Yalgoo Shire Council,  
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on Thursday 26 November 2009, commencing at 11.13am.

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

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The President declared the Ordinary Meeting of Council open at 11.13am.

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

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MEMBERS	Cr TK Iturbide, Shire President Cr L Hodder Cr MJ Forster Cr EC Rowe, Deputy President (from 1.07pm) Cr DE Anderson (from 1.07pm)
STAFF	Mr N Mitchell, Chief Executive Officer Ms VJ Rowe, Deputy CEO Mr CF Hodder; Works Foreman (from 1.05pm)
OBSERVERS	
LEAVE OF ABSENCE	None
APOLOGIES	

**3. DISCLOSURE OF INTERESTS**

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Disclosures of Interest made prior to the Meeting

**4. PUBLIC QUESTION TIME**

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**4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE**

None

**4.2 QUESTIONS WITHOUT NOTICE**

None

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

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None

## **6. APPLICATIONS FOR LEAVE OF ABSENCE**

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None

## **7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

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### **7.1 PRESIDENT**

- 6 November Murchison Country Zone Meeting in Cue
- 11 November Murchison Vermin Regional Council in Mt Magnet
- 18-20 Nov Local Government Manager's Conference in Perth  
With Cr Hodder, Cr Rowe and the Deputy CEO
- 20 November Presidents and Deputy Presidents Workshop by Dept of Local Government  
Noted in particular, the presentation by the Crime and Corruption Commission –
- has the authority of a standing Royal Commission
  - purpose is to reduce misconduct and improve procedures
  - CEO is required by legislation to report matters
  - Elected members are highly vulnerable, especially with –
    - o recruitment matters
    - o business / financial interests
    - o tenders and quoting
    - o regulatory matters particularly planning and development
    - o confidentiality
    - o disposal of assets
- 25 November MMG Golden Grove mine tour – very worth while

### **7.2 COUNCILLORS**

#### Cr Hodder

- 18-20 Nov Local Government Manager's Conference in Perth

#### Cr Rowe

- 18-20 Nov Local Government Manager's Conference in Perth

#### Cr Anderson

- 29 October Regional Road Group  
Cr Anderson also emphasised the importance of an elected member being involved in these meetings to be informed, and to exercise a vote on behalf of Council

## **8. CONFIRMATION OF MINUTES**

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### **8.1 ORDINARY COUNCIL MEETING**

#### BACKGROUND

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

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

#### **C2009-1101 Confirmation of Minutes**

**Moved Cr MJ Forster, Seconded Cr L Hodder**

**That the Minutes of the Ordinary Council Meeting of 22 October 2009 be confirmed.**

**Motion put and carried 3/0**

### **8.2 SPECIAL COUNCIL MEETINGS**

#### BACKGROUND

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

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

#### **C2009-1102 Confirmation of Special Meeting**

**Moved Cr L Hodder, Seconded Cr MJ Forster**

**That the Minutes of the following Special Council Meetings be confirmed –**

- **2 November 2009, and**
- **5 November 2009**

**Motion put and carried 3/0**

## **9. MINUTES OF COMMITTEE MEETINGS**

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None

*Ms V. Rowe left the meeting at 11.36am and returned at 11.38am.*

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

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### **10.1 MEEDAC**

11.30am Mr Jim Sandy, Chairman, and Mr Glenn Winter, CEO

Mr Sandy and Mr Winter noted –

- MEEDAC has substantial FaHCSIA funding –
  - o recently completed Community Action Plan profile
  - o their range of operations includes Yalgoo
  - o the CAP has crystallised their intentions and current knowledge
  - o will help them to become fully resources
- now have an additional eight fully funded staff positions
- keen to assist with restoration of the old Anglican Church as a community project using CDEP funding, but would require funding for materials
- MEEDAC is a Registered Training Organisation
- Yalgoo Economic Advancement –
  - o they have funding for a part time position
  - o a number of people have expressed interest in commencing their own businesses
  - o in discussion with Shire CEO identified possible partnership to nearly fully fund a position
  - o if Shire was able to provide accommodation as their contribution, would probably be able to place a person in Yalgoo full time

In discussion –

- possibilities of an environmental partnership with Yalgoo, Perenjori Shire and others –
  - o keenly interested
  - o are able to add to their involvement through their botanist and links with Kings Park Board
    - the CEO advised that their interest has been noted to Perenjori Shire, but as it is still very much in its preliminary stages, it is not yet known what shape the partnership will take
- noted their new involvement in the community through the School lunch program
- appreciation was expressed for the work of Victor Ware, MEEDAC Yalgoo Supervisor

*Ms V. Rowe left the meeting at 11.51am and returned at 11.52am.*

### **ADJOURNMENT**

*The meeting adjourned for lunch break at 12.19pm and resumed at 1.07pm with all who were in attendance before the adjournment being present at the resumption, except Mr Sandy and Mr Winter.*

*Cr DE Anderson and Cr EC Rowe joined the meeting at 1.07pm.*

*Mr Jim Alexander and Mr Mo Alexander also joined the meeting at 1.07pm.*

### **10.2 Alexander Planning**

1.07pm Mr Jim Alexander, and Mr Mo Alexander

Mr Jim Alexander made a presentation regarding the design and planning for the covered courts facility, and also a scale model of the proposal.

There was general discussion regarding –

- type of structure
- design and materials of the structure
- environmental conditions including wind loadings
- safety features to prevent climbing on pylons etc
- layout of multiple courts and markings, as well as floor materials

COUNCIL DECISION

**C2009-1103 Confirmation of Design Options**

**Moved Cr L Hodder, Seconded Cr EC Rowe**

**That Council confirm –**

- i) preferred design is for the curved roof having a 23m radius as presented**
- ii) draft design of the covered courts as presented**
- iii) positioning of the covered courts on the Reserve is as per the concept master plan.**

**Motion put and carried 5/0**

Mr Jim Alexander and Mr Mo Alexander left the meeting at 1.50pm.

**IMPORTANT NOTE**

The concept master plan as attached to these minutes is intended to indicate the availability of space for future development options, and is not intended to imply a commitment or intention of Council to any aspect without specific future resolution to that effect.

**10.3 Yalqoo Primary School**

3.30pm Ms Lyndy Richmond, Principal

Ms Lyndy Richmond had advised her apology, as she had unavoidable commitments elsewhere.

## **11. REPORTS OF OFFICERS**

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### **11.0 MATTERS BROUGHT FORWARD**

None

### **11.1 WORKS**

#### **11.1.1 WORKS ACTIVITY REPORT**

File: N/A  
Author: Cliff Hodder, Works Foreman  
Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 18 November 2009  
Attachments: none

#### MATTER FOR CONSIDERATION

Works Report for the past month

#### BACKGROUND

Overview of works for the past months

#### STATUTORY ENVIRONMENT

None

#### STRATEGIC IMPLICATIONS

None

#### POLICY IMPLICATIONS

None

#### FINANCIAL IMPLICATIONS

None

#### CONSULTATION

None

#### COMMENT

- a) Construction –
- Completed until such time as CLGF Regional Funds are approved
  - Preseal repairs hopefully before end of year
  - Sealing and reseal works due February 2010
  - Town streets reseal – with the current pricing being lower than expected, reseal of almost all town streets should be possible
- b) Maintenance –
- maintenance done or underway –
    - o Tardie-Gabyon Road
    - o patching and bitumen spray of stock grids and other areas
    - o Yalgoo-Morawa Road
    - o Yalgoo-Ninghan Rd – shoulders of bitumen sealed section
    - o contractor – Narndee West and Wydgee Roads
  - maintenance work due –
    - o Yalgoo-Morawa Rd – particularly through Mellenbye
    - o contractor – Sandstone, Maranalgo, Ninghan Homestead (x2) Roads, and in Paynes Find



- pipes needed in Maranalgo Rd (near homestead) and some distance south of homestead
    - o picked up from Rocla on the fourth attempt
  - guidepost and sign replacement to start up again soon – most now delivered
- c) Plant
- new Town truck – delivery taken 18 November 2009
  - new Service truck – delivery due by Council meeting
  - new prime mover, replacing the Iveco – delivery due by 4 December
  - new semi side tipper – delivery due by 4 December
  - new CEO vehicle – delivery now due by mid-December
  - new front deck and mid mount mowers – now delivered
  - replacement forklift now licenced
  - backhoe – still an issue with brakes, final repairs were due 18 November 2009
  - multi-tyre roller – window replacement ordered
  - fuel transfer tanks for both service truck and maintenance ute delivered
- d) Other
- town maintenance staff –
    - o Paynes Find – fencing ordered for around water tank and pump
    - o mowing of Shire blocks and road verges recommenced
  - Yalgoo Community Park – only final levelling, reticulation and grass planting required to complete
    - o contractor engaged to complete reticulation and planting at the park, CEO and Foreman's residences
  - fire control –
    - o second inspection of town by FESA Regional Manager
    - o breaks around town graded
    - o mowing underway
    - o letters prepared for non-complying properties
  - 3,600 litres of waste oil picked up from the depot on 20 November 2009 – reimbursement subsidy to be claimed through WALGA

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

#### **C2009-1104    Works Activity Report**

**Moved Cr MJ Forster, Seconded Cr L Hodder**

**That the Works Report to 19 November 2009 be received.**

**Motion put and carried 5/0**

**NOTE** Cr TK Iturbide declared a proximity interest in this item, as the Yalgoo North Road is through Jingemarra Station, vacated the Chair and left the meeting at 1.59pm.

Cr EC Rowe assumed the Chair at 1.59pm, but declared a proximity interest in this item, as the Yalgoo North Road is through Jingemarra Station, vacated the Chair and left the meeting at 2.00pm.

Cr DE Anderson assumed the Chair 2.00pm with the agreement of Cr Hodder and Cr Forster.

**11.1.2 ROADS OF REGIONAL SIGNIFICANCE**

File:

Author: Niel Mitchell, CEO

Interest Declared: No interest to disclose

Date: 18 November 2009

Attachments: p.1 Minutes of Regional Roads Group meeting  
 p.9 Preliminary RRG allocations for 2010-2011

**MATTER FOR CONSIDERATION**

Matters arising from the Regional Roads Group Meeting of 29 October 2009

**BACKGROUND**

The RRG last met in 2006, and there is the intention for it to be revitalised and meet more regularly. In the interim, virtually all matters have been resolved by consensus of the sub-groups and the Technical Working Group.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Public Works Act 1902 –

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

**STRATEGIC IMPLICATIONS**

Roads construction grant eligibility

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

None

**CONSULTATION**

Cr Don Anderson

David Burton, CEO Shire of Mt Magnet

Anna Sutherland, Main Road WA Mid West

**COMMENT**

Minutes of the meeting of 29 October are attached for information. Next meetings planned are –

- Central Sub-group – Tuesday 16 February 2010 at Mullewa Shire
- Regional Roads Group – Thursday 25 February 2010 at MRWA Geraldton

Preliminary allocations for the 2010-2011 year have been advised as attached. Interesting to note that the largest allocation to a single project in the whole region is to the Yalgoo-Ninghan Road repairs and reseal project. Anticipated funding to be confirmed is \$456,018 –

Yalgoo-Ninghan Rd	repairs and reseal Yr 3 of 4	\$273,722
Yalgoo-Ninghan Rd	form and gravel	\$ 92,948
Yalgoo-Morawa Rd	form and gravel	\$ 89,348

At the meeting, it was noted that there are quite a number of roads listed by Shires as being of regional significance, that do not correlate to the funding approved by the RRG. The reason is that Shires have been

listing the local name for the route, rather than listing, the MRWA number and name for each road or section of road that make up that route.

The roads listed for Yalgoo are –

Road Name	Category	Comments
Morawa-Yalgoo Road	1	Regional Distributor (SLK 0-83)
New Warriedar Road	1	Thundelarra Hsd to Warriedar-Perenjori Rd?
Paynes Find-Yalgoo Road	1	Thundelarra Hsd to Gt Northern Highway?
Yalgoo North Road	2	0-32 SLK, 71-130 – stopping 5 km south of Dalgaranga Rd SLK; Local Distributor (SLK 0-109.4) – starting 1km north of Melangatta Rd and ending at Meka Homestead
Uanna Hill-Meka Road	1	Access Rd (SLK 0-9.16) – isolated from any other road of regional significance. Possibly intended as part of the Mt Magnet to Western Queen Mine link, but no
Paynes Find-Sandstone Road	1	Local Distributor (SLK 0-7.6)

Maranalgo Road is listed as a road of regional significance, but is outside the Midwest MRWA area, although in the Shire of Yalgoo.

The names listed are incorrect for three, the SLK measurement is incorrect for a fourth road, lists one of the two sections in Yalgoo Shire for a fifth road, and is correct only for one road.

Issue identified are –

Road Name	Category	Comments
Morawa-Yalgoo Road	1	Correct
New Warriedar Road	1	No such road Thundelarra Hsd to Warriedar-Perenjori Rd?
Paynes Find-Yalgoo Road	1	No such road Thundelarra Hsd to Gt Northern Highway?
Yalgoo North Road	2	Listing stops 5 km <u>south</u> of Dalgaranga Rd Part of Yalgoo-Murchison link? Then resumes 1km <u>north</u> of Melangatta Rd and ending at Meka Homestead Not linked to any other road of regional significance Part of Mt Magnet-Murchison link?
Uanna Hill-Meka Road	1	No such road Isolated from any other road of regional significance. Possibly intended as part of the Mt Magnet to Western Queen Mine link, but if part of a link Mt Magnet to Murchison, we'll need to list 5 roads, as well as correct the SLK for Yalgoo North Rd Part of Mt Magnet-Murchison link?
Paynes Find-Sandstone Road	1	Correct, but second section should be listed

Clarification of intentions has been requested from MRWA.

The correct name details are –

Road Name	Correct Road Name	MRWA road number
Morawa-Yalgoo Road	Correct (SLK is measured from the boundary)	76
New Warriedar Road	Now part of the Yalgoo-Ninghan Rd	8
Paynes Find-Yalgoo Road	Now part of the Yalgoo-Ninghan Rd	8
Yalgoo North Road	Correct name but SLK to be reviewed	9
Uanna Hill-Meka Road	Actually 2 parts of 1 road, and the whole of another – Dalgaranga-Meteorite Rd Uanna Hill Rd	52 53
Paynes Find-Sandstone Road	Correct, although in 2 sections (second section appears to be listed as a Shire of Sandstone road)	12

Together with Maranalgo Rd (MRWA Rd#25) should be Goodlands Road, which appears to be listed as a Shire of Dalwallinu road.

To further complicate matters, what is generally known as the Maranalgo Rd is actually in 2 sections, with Mouroubra Rd (MRWA #71) separating the two parts, and further away from the lake than the portion of Maranalgo Road it “replaces”.

With the cessation of mining at Western Queen, there is doubt whether the Dalgaranga-Meteorite Rd and Uanna Hill Rd could be considered of regional significance.

The Yalgoo North Road sections listed are the lower portion from town to the Dalgaranga Rd (MRWA #18) and then from roughly Melangatta Rd to Meka Station, missing a central portion as well as the Meka-Mt Wittenoom Rd (MRWA #46). The omissions seem strange, as the road is the main connector between Yalgoo and residents in the Shire of Murchison.

However, it appears that this road is intended to be part of a route between Mt Magnet and Murchison Settlement, and yet neither end of the road is connected to another road of regional significance.

To correct these discrepancies it is suggested that Council consider advising MRWA that the roads of regional significance in the Shire of Yalgoo are –

Current listing	Correct Road Name	MRWA road number	SLK	Category
Morawa-Yalgoo Road	Morawa-Yalgoo Rd	76	0-83.0	1
New Warriedar Road	Yalgoo-Ninghan Rd	8	0-138.77	1
Paynes Find-Yalgoo Road				
Yalgoo North Road	Yalgoo-North Road	9	0-109.4	2
	Meka-Mt Wittenoom Road	46	0-8.85	2
Uanna Hill-Meka Road	Delete from listing			
Paynes Find-Sandstone Road	Paynes Find-Sandstone Road (first section)	12	0-7.6	1

Further, it is suggested that MRWA be advised that the following roads should be added to the listing of roads of regional significance –

Road Name	MRWA road number	SLK	Category
Maranalgo Rd	25	0-19.0 24.5-47.9	2
Mouroubra Rd	71	0-5.4	2
Goodlands Rd	Not listed		2
Paynes Find-Sandstone Road (second section)	Not listed		1

MRWA have requested details from all Shires by 4 December 2009.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION 1/ COUNCIL DECISION**

**C2009-1105 Roads of Regional Significance – Review**

**Moved Cr DE Anderson, Seconded Cr L Hodder**

**That Council advise MRWA that the roads of regional significance in the Shire of Yalgoo are –**

Current Listing	Correct Road Name	MRWA road number	SLK	Category
Morawa-Yalgoo Road	Morawa-Yalgoo Rd	76	0-83.0	1
New Warriedar Road	Yalgoo-Ninghan Rd	8	0-138.77	1
Paynes Find-Yalgoo Road				
Yalgoo North Road	Yalgoo-North Road	9	0-109.4	2
	Meka-Mt Wittenoom Road	46	0-8.85	2
Uanna Hill-Meka Road	Delete from listing			
Paynes Find-Sandstone Road	Paynes Find-Sandstone Road (first section)	12	0-7.6	1

**Motion put and carried 3/0**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

**C2009-1106 Roads of Regional Significance – Recommendations to RRG**

**Moved Cr DE Anderson, Seconded Cr L Hodder**

**That Council advise MRWA that the following should also be consider for listing as roads of regional significance –**

Road Name	MRWA road number	SLK	Category
Maranalgo Rd	25	0-19.0 24.5-47.9	2
Mouroubra Rd	71	0-5.4	2
Goodlands Rd	Not listed		2
Paynes Find-Sandstone Road (second section)	Not listed		1

**Motion put and carried 3/0**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 3/ COUNCIL DECISION

**C2009-1107 Criteria for Listing – Recommendation to RRG**

**Moved Cr DE Anderson, Seconded Cr L Hodder**

**That it be recommended to the Regional Roads Group that –**

- local road names or through route descriptions not be permitted for roads of regional significance, and
- no road be listed as a road of regional significance, unless –
  - o MRWA road number is advised,
  - o MRWA official road name is used,
  - o SLK of the road is quoted, and
  - o a map provided to the Technical Working Group marked with the roads of regional significance.

**Motion put and carried 3/0**

*Cr TK Iturbide and Cr EC Rowe returned to the meeting at 1.20pm.*

### **11.1.3 BLACK SPOT FUNDING 2010-2011**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 18 November 2009  
Attachments: p.10 MRWA proposed 2010-2011 Black Spot Program

#### **MATTER FOR CONSIDERATION**

To approve listing of intersections for Black Spot funding in 2010-2011

#### **BACKGROUND**

The issue of improving safety at intersections of roads with the Great Northern Highway, was raised by Mr Kim Cable at the Council meeting in Paynes Find in September 2009.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Public Works Act 1902 –

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

#### **STRATEGIC IMPLICATIONS**

Improvements for safety on roads

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Nigel Goode, Greenfield Technical Services

#### **COMMENT**

Following the Council Meeting at Paynes Find where Mr Kim Cable raised the issue, particularly of the intersection of Maranalgo Road with Great Northern Highway, GTS were requested to prepare submissions to MRWA for Black Spot Funding for the Great Northern Highway intersections with –

- Paynes Find-Sandstone Rd – especially given the serious crash there some 18 months or so ago
- Maranalgo Rd
- Yalgoo-Ninghan Rd
- Paynes Find-Thundelarra Rd

It was fortuitous that applications for black spot funding were closing shortly after the September Council meeting.

The preliminary listing for 2010-2011 Black Spot Funding has all four Yalgoo intersections listed at a total costs of \$138,744, comprising –

MRWA Black Spot grant	\$92,496
Shire contribution	\$46,248

The work proposed is to form, gravel and 2 coat seal of 150m of the road approaching the intersection.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-1108    Black Spot Funding 2010–2011**

**Moved Cr EC Rowe, Seconded Cr DE Anderson**

**That Council approve the provisional listing for Black Spot Funding and provision be made in the 2010-2011 Budget for –**

<b>MRWA Black Spot grant</b>	<b>\$92,496</b>
<b>Shire contribution</b>	<b>\$46,248</b>

**Motion put and carried 5/0**

## **11.2 DEVELOPMENT**

### **11.2.1 DEPT OF MINES AND PETROLEUM – Applications to Clear**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 19 November 2009  
Attachments: p.11 DMP letters and aerial photos

#### **MATTER FOR CONSIDERATION**

To consider an application to clear land by MMG Golden Grove Pty Ltd

#### **BACKGROUND**

MMG Golden Grove Pty Ltd has identified several areas for clearing for gravel borrow and extraction pits.

#### **STATUTORY ENVIRONMENT**

Environmental Protection Act 1986

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

MMG Golden Grove have applied for the permits to clear native vegetation for gravel extraction. The proposed area of clearings for clearing are –

- |                               |          |
|-------------------------------|----------|
| - Mining lease 59/3 and 59/90 | 33.66 ha |
| - Mining lease 59/90          | 14.3 ha  |

Council has the right to comment on the application to clear native vegetation. The licences to clear will only be issued once the mining lease is granted.

#### **VOTING REQUIREMENTS**

Simple majority

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

### **C2009-1109 Dept of Mines and Petroleum – Applications to clear**

**Moved Cr DE Anderson, Seconded Cr EC Rowe**

**That Council advises Dept of Mines and Petroleum that there is no objection to the application for clearing by MMG Golden Grove Pty Ltd for –**

- |                               |          |
|-------------------------------|----------|
| - Mining lease 59/3 and 59/90 | 33.66 ha |
| - Mining lease 59/90          | 14.3 ha  |

**Motion put and carried 5/0**



*NOTE Cr TK Iturbide declared a proximity interest in this item, as the proposed rail corridor traverses a portion of Jingemarra Station, and left the meeting at 2.22pm.*

*Cr EC Rowe assumed the Chair at this time.*

### **11.2.2 PUBLIC TRANSPORT AUTHORITY – OPR Rail Corridor**

File:

Author: Niel Mitchell, CEO

Interest Declared: No interest to disclose

Date: 18 November 2009

Attachments: p.17 PTA letter requesting information  
p.19 copy of CEO email to PTA

#### **MATTER FOR CONSIDERATION**

To consider making comment regarding the proposed Oakajee Port and Rail corridor.

#### **BACKGROUND**

The proposed corridor passes through two Yalgoo properties, being the extreme north western corner of Jingemarra Station and a major portion of Meka Station.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

#### **STRATEGIC IMPLICATIONS**

Rail to service mines in the region

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Public Transport Authority

#### **COMMENT**

In a letter dated 30 October, received 6 November, the PTA has requested preliminary comment on the proposed rail corridor by 11 November, and a commitment from Council to deal with any matters relating to the proposal within a week of receipt.

The timeframes are unrealistic, particularly if Council wishes to make direct comment on the proposal, and only become possible if the CEO has authority to respond on Council's behalf.

At this time, the indication from Council is that the proposed corridor is to be opposed, since –

- a) much of the proposed rail corridor is either in or close to water courses. In dry country such as around Yalgoo, the necessary rail ballast and embankments, will create a major impediment to rain and the movement of water across the landscape. It is anticipated that there will therefore be significant issues created on the downhill side of the rail line as a result of the damming effect, and the prevention of water flow across large areas, and the consequent detrimental effects to vegetation and stock, and pastoralists,
- b) significant sections of the rail corridor are through breakaway country, and without a lot of work, these areas will be constantly unstable,
- c) although outside the buffer zone for the Square Kilometre Array, the potential still exists for interference,
- d) the proposed corridor does not intersect with road transport routes after Mullewa. Therefore, mining development around Yalgoo, Mt Magnet, Sandstone areas will probably remain on road, with all the consequent social and community impacts, unless spur lines are built. It is acknowledged that economics plays a large part in the decision of the route, however, the current proposal does little to assist in opening up the region, and is essentially focused on two mines.

At the Murchison Country Zone meeting in Cue on 6 November, the Zone did not support Yalgoo's motion to reiterate the opposition of the region to the proposed route, previously resolved.

While this does not prevent Yalgoo from continuing to express their opposition and disappointment, it is without the support of some of the Shires of the Murchison.

Given the assurances of OPR that extensive consultation with pastoralists, the SKA and CSIRO has been undertaken and will continue, and their confidence that engineering problems can be overcome, there would appear to be few grounds on which to object other than environmental.

Given the enormous investment to date of OPR, and the general support of the State Government for the concept and general alignment (although the specific route has not yet been approved), there would seem to be little hope of success from continuing to oppose.

Accordingly it is suggested that the CEO be authorised to comment on aspects of the proposal as they are received, subject to no issue requiring the specific approval of Council (eg: application to clear vegetation etc).

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

##### **C2009-1110 OPR Rail Corridor – Discontinue objections**

**Moved Cr DE Anderson, Seconded Cr M Forster**

**That objections to the proposed rail corridor for Oakajee Port and Rail be discontinued, and the CEO be authorised to comment on general matters relating to the proposed corridor, subject to –**

- **emphasising the concerns relating to environmental issues – interruption of water flow, potential instability of breakaway country etc**
- **raising the issues of interference with pastoral pursuits and station stock**
- **advising of the need for appropriate compensation and/or arrangements be made with pastoralists who are impacted.**

**Motion put and LOST 0/4**

#### COUCIL DECISION

##### **C2009-1111 OPR Corridor – Council position confirmed**

**Moved Cr DE Anderson, Seconded Cr MJ Forster**

**That objections to the proposed rail corridor for Oakajee Port and Rail be continued, and the CEO be authorised to comment on general matters relating to the proposed corridor, in particular –**

- **emphasising the concerns relating to environmental issues – interruption of water flow, potential instability of breakaway country etc**
- **raising the issues of interference with pastoral pursuits and station stock**
- **advising of the need for appropriate compensation and/or arrangements be made with pastoralists who are impacted.**

**Motion put and carried 4/0**

#### REASON FOR VARIATION

*Council considers that the objections previously notified remain valid, and should continue to be raised.*

*Cr TK Iturbide returned in the meeting at 2.31pm.*

**11.2.3 TENDER 2009-04 Hall Refurbishment**

File: T5 2009-04  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 15 October 2009  
 19 November 2009  
 Attachments: p.21 Summary of tenders received  
 p.22 Tender Specifications  
 p.28 Copies of Offer Forms, letter and extracts

**MATTER FOR CONSIDERATION**

Consideration of tenders received for refurbishment of the Shire Hall

**BACKGROUND**

The calling of tenders as authorised by Council Policy, advertised in the West Australian on 19 and 26 September 2009, and in the Geraldton Guardian on 18 and 25 September 2009. Tenders closed at 4.00 pm 12 October 2009.

Further consideration of this matter was deferred at the October Council meeting to November 2009.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.57 – calling of tenders
- s.6.8 – unbudgeted expenditure requirements – to be authorised in advance by absolute majority

Functions and General Regulations –

- s.11 and following – requirements to call tenders where value is over \$100,000

**STRATEGIC IMPLICATIONS**

Provision of staff housing

**POLICY IMPLICATIONS**

Purchasing Policy – goods and services over \$100,000

**FINANCIAL IMPLICATIONS**

Cost of construction and ancillary works

**CONSULTATION**

Bill Atyeo, EHO

**COMMENT – 15 October 2009**

Tenders were advertised in accordance with the Local Government Act and Regulations, closed at 4.00pm Monday 12 January 2009, and were opened at 5.15pm on Monday 12 January 2009 in the presence of Diane Hodder, Accounts Clerk.

Tenders were received from –

Tenderer	Received by specified time	Complies with specifications	Eligible for consideration
Redwood Painters	Yes	No	No
MEEDAC Holdings	Yes	Marginal	Yes
Triton Building Company	Yes	No	No
Carlton Building Services	Yes	Marginal	Yes
Steelbase Enterprises Pty Ltd	Yes	Marginal	Yes

Note – Redwood Painters is invalid as only a portion of the works required have been tendered on Triton is ineligible due to no pricing being provided other than hourly rate.

Funding is by way of the Country Local Government Fund (Royalties for Regions), as per amendments to the adopted Budget resolved by Absolute Majority in August 2009. Provision is for total project cost of \$200,000 in 2009-2010, and \$30,000 in 2010-2011 and \$60,000 in 2011-2012.

It appears that Steelbase Enterprises is the best value for money at approximately \$116,500 as a total project cost, compared to \$153,500 from MEEDAC Holdings. However, there are several queries for which clarification has been sought –

1. Extent of works for upgrade to the toilets –
  - allowed for a disabled toilets and disabled access?
  - allowed for removal of all plumbing, hand basins etc and complete new fit out?
2. What would be the additional cost to install and second cubicle for the women's toilets?
3. Are there any costs not included in your tender offer (e.g. travel and accommodation etc)

These items have all been included in MEEDAC's tender.

Steelbase do not appear to be well known and investigation into background, capability and quality will be made prior to Council meeting. Several queries are also being pursued.

The second lowest tender, is that of MEEDAC Holdings Pty Ltd for an estimated total project cost of \$153,500, and several clarifications have been requested of them as well.

The recommendation is made based on –

- value for money
- suitability of design for each block
- and compliance with requirements

Please note –

- that while the tender specification was prepared as accurately as possible, given the age of the building, and that some aspects are inaccessible at this time (such as electrical wiring, plumbing etc), it is not possible to stipulate every single matter to be attended to, or for the tenderers to be able to detail every aspect of their submission.
- all tenderers are aware that variations will be required, and have noted this in their documentation.
- works listed in the tender document to be undertaken by others and therefore addressed outside of this tender –
  - o telephone system upgrade
  - o boundary fencing and gates
  - o landscaping and reticulation
  - o air-conditioning –
    - replace main hall evaporative system,
    - replace split systems as needed
  - o fire extinguishers –
    - service, replace, install to the recommendation of the EHO
- subject to expenditure, the outside of the Shire Hall to be painted as well.

COMMENT – 19 November 2009

An amended summary of tenders received is attached.

Funding disclosed in the Budget for refurbishment and upgrade works at the Shire Hall is \$30,000 funded by Federal Government grant of \$30,000. Applications for this funding closed 20 November, and has been submitted.

Funding for this component of the total project is from the Country Local Government Fund (Royalties for Regions), from which an allocation of \$200,000 was made by absolute majority in August.

Total funding available this year is therefore \$230,000.

As the CLGF expenditure for the project was not disclosed in the Budget, it must be approved by absolute Majority.

Steelbase have subsequently inspected the Hall and clarified that –

1. They have provided for new fit-out of the toilets (plumbing, most fittings etc), inclusion of a second cubicle in the women's toilets, and for construction of disabled facilities, but are concerned regarding space available

2. travel and accommodation is included in their tender
3. additional cost to fully repaint would be an estimated \$20,000

The clarifications received result in Steelbase and MEEDAC tenders being very close, with the exception of the toilet block upgrade –

	Steelbase	MEEDAC
Required works	82,000	66,700 excl electrical
Additional works	29,500	30,300
Sub-total	111,500	97,000
Electrical provision		15,000
Sub-total	111,500	112,000
Toilet block upgrade	25,000	56,500
<b>TOTAL</b>	<b>136,500</b>	<b>168,500</b>

Selection criteria for the tender was stated as –

The Shire will adopt a value for money approach to assessment of tenders.

Tenders will be assessed against price, compliance and qualitative criteria to determine the most advantageous outcome to the Shire. This means that, although price is considered, the tender containing the best price may not necessarily be accepted, nor will the highest ranked of the qualitative criteria.

- a) Price consideration – the tendered price will be considered along with related factors affecting the total submission
- b) Compliance – will not be point scored, but assessed on a “Yes / No” basis as to whether the criterion is satisfactorily met. A negative assessment against any criterion may eliminate the tender from consideration.
- c) Qualitative criteria – in determining the most advantageous tender, regard will also be had to the following –
  - estimated time of commencement and completion
  - experience in construction in remote areas
  - value to the district, including use of local labour

In reviewing the information submitted, and discussion with the interested parties, it is clear that acceptance of a tender necessarily commits the Shire to the minimum work contracted for, but it also commits the Shire to the hidden “undiscoverable” work essential to complete the contracted work, without the capacity to defer components of the planned works, in order to stay within the approved budget. Given the nature of the proposed work, variations and additional work will be needed, due to the uncertainties. However, with a total approved expenditure of \$230,000, it is very likely that the unanticipated variations would be covered.

Acceptance of a tender would eliminate the requirement for obtaining competitive quotes, as required by Council policy, and the works likely being completed sooner.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 1

That all tenders for Tender 2009-04 – Refurbishment of the Shire Hall in Shamrock Street, be declined.

#### VOTING REQUIREMENTS

Absolute majority

#### OFFICER RECOMMENDATION 2

That the estimated expenditure of \$200,000 in addition to that disclosed in the 2009-2010 Budget, funded by the Country Local Government Fund be approved.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 3

That quotes be obtained for various portions of the proposed works of like nature, from appropriate persons, with a view to commencing the necessary works as soon as able, subject to Council’s Purchasing Policy.

## VOTING REQUIREMENTS

Simple majority

## OFFICER RECOMMENDATION 4

That the following works at the Hall be undertaken, subject to availability of funds, and in order of priority –

- electrical work as needed
- external painting
- replace split system air-conditioning units as needed
- boundary fencing and gates
- landscaping and reticulation
- telephone system renovation
- replace main hall with evaporative system air-conditioning

## COUNCIL DECISION

### **C2009-1112    Consideration of Tender 2009-04 deferred**

**Moved Cr EC Rowe, Seconded Cr MJ Forster**

**That –**

- 1. That all tenders for Tender 2009-04 – Refurbishment of the Shire Hall in Shamrock Street, be declined.**
- 2. That the estimated expenditure of \$200,000 in addition to that disclosed in the 2009-2010 Budget, funded by the Country Local Government Fund be approved.**
- 3. That quotes be obtained for various portions of the proposed works of like nature, from appropriate persons, with a view to commencing the necessary works as soon as able, subject to Council's Purchasing Policy.**
- 4. That the following works at the Hall be undertaken, subject to availability of funds, and in order of priority –**
  - electrical work as needed**
  - external painting**
  - replace split system air-conditioning units as needed**
  - boundary fencing and gates**
  - landscaping and reticulation**
  - telephone system renovation**
  - replace main hall with evaporative system air-conditioning**

**Motion put and carried by Absolute Majority 4/1**

**11.3 FINANCE**

**11.3.1 Deputy CEO – ACTIVITY REPORT – Month of October 2009**

File: N/A  
 Author: Violet Rowel, Deputy CEO  
 Interest Declared: No interest to disclose  
 Date: 11 November 2009  
 Attachments: None

Investments

Fund	Institution	Invested	Due	Interest Rate %	Amount Due	Govt guarantee
Municipal	NAB	varying		Up to 3%		Yes
Reserve	Suncorp	1,017,453.40	24 November 2009	4.52	1,025,139.22	Yes except \$25,139.22
Reserve	Suncorp	1,051,224.71	23 February 2009	4.63	1,067,226.37	Yes
Comparative investment rates	NAB			3.23, 3.65, 3.83		
	WA Treasury			3.82		
	Macquarie Bank			3.45		

Superannuation

Contractor Ranger duties

Patrols and licensing conducted 19<sup>th</sup>, 20<sup>th</sup> and 29<sup>th</sup> October  
 1 goat destroyed  
 3 unregistered dogs destroyed

Meetings

9<sup>th</sup> November, Yalgoo Inter Agency Meeting  
 10<sup>th</sup> November, John Johnson FESA  
 18<sup>th</sup> – 20<sup>th</sup> November LGMA Conference

Future meetings

24<sup>th</sup> November, Murchison Executive Group meeting  
 25<sup>th</sup> November, site visit to Golden Grove

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-1113 Deputy CEO Activity Report**

**Moved Cr MJ Forster, Seconded Cr L Hodder**

**That the Deputy CEO’s Activity Report be received.**

**Motion put and carried 5/0**

### **11.3.2 FINANCIAL ACTIVITY STATEMENTS – OCTOBER 2009**

File:  
Author: Violet Rowe, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 11 November 2009  
Finance (green) p.1 Financial Activity Statements for October 2009  
p.20 Balance Sheet  
p.26 Income Statement Summary by Program  
p.27 Income Statement by Nature & Type  
p.28 Income Statement Detail  
p.37 Material Variance

#### **MATTER FOR CONSIDERATION**

Council to consider adopting the monthly financial statements for October 2009.

#### **BACKGROUND**

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 20 June 2008 and became effective from 1 July 2008 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

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**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

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

#### **CONSULTATION**

None



COMMENT

A copy of the Statement of Financial Performance is attached to this item including additional information that council deemed appropriate to receive.

The area's where material variances have been experienced, i.e. either 10% or \$5000 above or below budget, are commented on in the material variance attachment which will be given to council as a late item

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-1114    Financial Activity statements – October 2009**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That Council adopt the financial statements and material variances for the period ending 31 October 2009, as attached.**

**Motion put and carried 5/0**

**11.3.3 ACCOUNTS PAID DURING THE MONTH OF OCTOBER 2009**

File: N/A  
Author: Violet Rowe, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 11 November 2009  
Finance: p.39 Listing of accounts paid  
(green)

**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month of October 2009

**BACKGROUND**

Accounts paid are required to be submitted each month.

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996

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

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Payment from Council's Municipal Account

**CONSULTATION**

None

**COMMENT**

Payments made during the month of October 2009 as per attached schedule.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2009-1115 Accounts Paid during the Month of October 2009**

**Moved Cr L Hodder, Seconded Cr MJ Forster**

**That:**

1. **The Cheque Detail of payments covering vouchers EFT 1 - 57 totalling \$167,522.02 paid during the month of October 2009, be received;**
  2. **Cheque payments covering cheque numbers 11241-11296 totalling \$ 22,582.94 paid during the month of October 2009, be received; and**
  3. **Salaries and Wages totalling \$48,359.33 paid during the month of October 2009, be received.**
- Motion put and carried 5/0**

### **11.3.4 YALGOO PRIMARY SCHOOL – Donation Request**

File:  
Author: Violet Rowe, DCEO  
Interest Declared: No interest to disclose  
Date: 12 November 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

To consider a request from the Yalgoo Primary School for a donation.

#### **BACKGROUND**

Constable Care is planning on visiting the Yalgoo Primary School in March 2010. The Sales Manager from Constable Care has approached the Shire asking for sponsorship of merchandise for the school visit.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Andrea Gill, Yalgoo Primary School

#### **COMMENT**

Constable Care believes the sponsorship will enhance the Shire's profile and support the local community with the aim of "Teaching kids to do the right thing". The message focus is on crime prevention and respect issues.

Constable Care has not requested a certain donation amount, instead they have provided the Shire will a list of merchandise that can be purchased and given to Children during the Constable Care school visit. I have contacted the School to obtain their suggestions on what merchandise they think will benefit the children. The response is footballs and/or caps. The cost of the 21 caps is \$440 and \$400 for 21 footballs. Included in this price is the Shires details/logo being prominently featured on selected merchandise.

If Council does wish to make a donation, a budget provision of \$760 has been made for Members Donations in the Governance Program.

#### **VOTING REQUIREMENTS**

Simple majority

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

### **C2009-1116 Donation Request – Yalgoo Primary School**

**Moved Cr EC Rowe, Seconded Cr MJ Forster**

**That the Shire of Yalgoo purchase merchandise from the Constable Care range to a maximum value of \$440 for the visit to the Yalgoo Primary School in March 2010.**

**Motion put and carried 4/1**

**11.3.5 RATES – Errors in charging**

File:  
 Author: Niel Mitchell, CEO  
 Interest Declared: None  
 Date: 20 November 2009  
 Attachments: none

**MATTER FOR CONSIDERATION**  
 To consider corrections of errors in rating system

**BACKGROUND**  
 When valuations are supplied by the Valuer General, the details need to be entered manually into Rate Book On Line, and the categories according to the differential rating adopted applied.

**STATUTORY ENVIRONMENT**  
 Local Government Act 1995 –  
 - s.6.39 – Rate record – may amend for up to 5 years past  
 - s.6.40 – where refund due, must be paid or credit allowed

**STRATEGIC IMPLICATIONS**  
 Nil

**POLICY IMPLICATIONS**  
 Amendments to Policy

**FINANCIAL IMPLICATIONS**  
 Refund of \$5,891.81 to be made  
 Rates of \$27,230.58 are eligible to be charged

**CONSULTATION**  
 Trish Thomas, Rates Officer

**COMMENT**  
 In reviewing, the rates raised and checking the details to ensure their accuracy, errors in the charging category were discovered for a number of rate assessments.

The Shire has a number of rating categories for the purpose of differential rating –  
 - GRV  
 - UV Pastoral  
 - UV Mining  
 - UV Exploration / Prospecting

The error resulted from entry of the differential rate category for the assessments as exploration/ prospecting instead of mining or vice versa, as notified by the Dept of Mines and Petroleum, and therefore a different rate in the dollar was charged, instead of the correct rate. The correct valuation as supplied by the Valuer General was used. However, as the rates in the dollar for the different categories vary, these assessments were either over or undercharged.

The errors discovered go back several years –

Asst No.	2006/07		2007/08		2008/09		2009/10		REFUND to be made	CHARGE may be raised
	Charged	Correct	Charged	Correct	Charged	Correct	Charged	Correct		
17 - Krama P/L	68.60	82.10	777.03	419.67	15.57	460.15	14.89	7.96		93.79
17 - Aurox Res							890.14	476.03	414.11	
171 - Prosperity	74.11	39.63	541.58	288.79	594.67	317.90	626.42	334.98	855.48	

299 - Base Iron	19.42	13.70	298.84	210.00	313.68	220.00	348.07	225.00	311.31
541 - Royal Res	149.18	79.77	1800.72	962.83	1978.70	1057.69	2088.39	1116.77	2799.93
1439 - Oz Minerals					3867.37	7235.05	294.95	551.57	3624.30
1439 - MMG G/Grove							3851.99	7203.31	3351.32
1440 - Ferrowest					257.64	481.99	538.11	1006.28	692.52
1442 - Brosnan/Young					199.51	259.11	225.00	304.3	138.90
1444 - Aurox Res					8630.26	16145.44	9254.08	17305.42	15566.52
1475 - Aurox Res			0.00	219.08	1823.49	1097.49	2158.11	1154.05	1510.98
1498 - Zen Minerals					0.00	24.67	225.00	329.23	128.90
1499 - Extension Hill					0.00	408.21	3708.05	6934.17	3634.33

Refund of \$5,891.81 to be made  
 Rates of \$27,230.58 are eligible to be charged

The Local Government Act 1995, stipulates –

**s.6.39. Rate record**

(2) A local government –

- (a) is required, from time to time, to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with this Act; and
- (b) may amend the rate record for the 5 years preceding the current financial year.

**s.6.40. Effect of amendment of rate record**

(1) Where the rate record in relation to any land is amended under section 6.39(2) as a result of a change in –

- (a) the rateable value of;
- (b) the rateability of; or
- (c) the rate imposed on,

that land, the local government is to reassess the rates payable on the land and to give notice to the owner of the land of any change in the amount of rates payable on the land.

(3) If, as a result of a reassessment of rates under subsection (1), a rate on any land is –

- (a) reduced, and that rate has already been paid to a local government, the local government –
  - (i) may, and if so requested by the current owner of the land is required to, make a refund to that owner of the amount overpaid; or
  - (ii) is required to allow a credit of the amount overpaid in relation to the land against future liabilities for rates or service charges in respect of that land; or
- (b) increased, that increased rate is the rate to which section 6.44 applies.

My reading of the Act is that –

- where an overcharge is identified, a refund or credit is obligatory – refer s.6.40 (3)(a)(i), but
- where an undercharge is identified, Council has the option of either sending an amended rates notice or to apply the correct information from that time forward – refer s.6.39(2)(b)

It is suggested that as the error was administrative rather than external where we rely on the information supplied by others, that the refunds be made, but that undercharge of rates not be pursued.

The rate records have now been amended, without affecting the amounts to be refunded or potentially raised, so as to apply the correct rating category to the valuation of the assessment in the 2010-2011 financial year.

Any interim rating from now until the new budget will also pick up the corrected information.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

**C2009-1117    Refund of Overcharged Rates**

**Moved Cr L Hodder, Seconded Cr MJ Forster**

**That refund of rates overcharged totalling \$5,891.11 be made to the following assessments –**

17 – Aurox Resources	\$ 414.11
171 – Prosperity	\$ 855.48
299 – Base Iron	\$ 311.31
541 – Royal Resources	\$2799.93
1475 – Aurox Resources	\$1510.98

**Motion put and carried 5/0**

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-1118    Rates Book not to be amended**

**Moved Cr MJ Forster, Seconded Cr L Hodder**

**That Council does not amend the Rate Records for the following assessments –**

17 – Krama P/L	\$ 93.79
1439 – Oz Minerals	\$ 3624.30
1439 – MMG Golden Grove	\$ 3351.32
1440 – FeroWest	\$ 692.52
1442 – Brosnan/Young	\$ 138.90
1444 – Aurox Res	\$ 15566.52
1498 – Zen Minerals	\$ 128.90
1499 – Extension Hill	\$ 3634.33

**Motion put and LOST 3/2**

NOTE        Motion declared LOST as Absolute Majority of 4 was not obtained, as required by the Local Government Act 1995 s.1.4 Definitions.

COUNCIL DECISION

**C2009-1119    Rates Book to be amended**

**Moved Cr MJ Forster, Seconded Cr DE Anderson**

**That Council does amend the Rate Records for the following assessments –**

17 – Krama P/L	\$ 93.79
1439 – Oz Minerals	\$ 3624.30
1439 – MMG Golden Grove	\$ 3351.32
1440 – FeroWest	\$ 692.52
1442 – Brosnan/Young	\$ 138.90
1444 – Aurox Res	\$ 15566.52
1498 – Zen Minerals	\$ 128.90
1499 – Extension Hill	\$ 3634.33

**Motion put and LOST 3/2**

NOTE        Motion declared LOST as Absolute Majority of 4 was not obtained, as required by the Local Government Act 1995 s.1.4 Definitions.

COUNCIL DECISION

**C2009-1120    Referral to Department of Local Government**

**Moved Cr DE Anderson, Seconded Cr EC Rowe**

**That Council to refer the matter concerning the error in charging of rates to Department of Local Government for advice.**

**Motion put and carried 5/0**

**ADJOURNMENT**

*The meeting adjourned at 3.11pm and resumed at 3.26pm with all who were in attendance before the adjournment being present at the resumption.*

## **11.4 ADMINISTRATION**

### **11.4.1 CEO – ACTIVITY REPORT – October/November 2009**

File: N/A  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 19 October 2009  
Attachments: p.40 Tardun “What If?” Meeting  
p.45 Yalgoo Interagency Meeting  
p.50 MRWA – re speed limits

#### Use of Common Seal

None

#### Use of Delegated Authority not elsewhere reported

None

#### Extraordinary Elections

As advised to Council following the Special Meeting on 5 November, the process for the extraordinary election planned for 12 December was cancelled, and I contacted the two nominees and advised them of the reason.

As a result of Cr Anderson’s resignation, a further extraordinary election is required, and due to the timing, the two vacancies are now part of the same process.

Accordingly, enrolment details, and nominations will be advertise opening on 26 November, and closing on Thursday, 3 December 2009. One vacancy is for the balance of Cr Anderson’s term, being to October 2011, and the second to fill the place remaining vacant after the general local government elections, expiring in October 2013.

#### Works Staff Training and Certificates

Enquiries have been made with Central West TAFE regarding further education for members of the works crew. In speaking with Matt Sylvester, Academic Director Construction & Rural Industries, he advised that several Shires in the region are looking at a program where various units are delivered every year as a matter of course, with people gradually moving from Certificate II in Rural Operations to Cert III in Civil Construction to Cert IV in Civil Construction Supervision over a period of years.

The Cert II is largely made up of units that are aligned with the usual work being carried out, and can be awarded with experience (Recognised Prior Learning). Certs III and IV will require some academic work, as well as practical.

Fees are negotiable, subject to numbers, timelines, machines and equipment to be “hired” by TAFE during the course etc. I will be trying to meet with him to discuss possibilities in the near future, and he has advised that due to the end of academic year and current commitments, the assessments for Cert II would not be able to be carried out until February 2010 at the earliest.

#### Geraldton Mt Magnet Road

MRWA have advised that the conditions of the Highway through Yalgoo have been assessed once again, and the speed limit of 80 km/hr is considered by them to be appropriate.

Letters have therefore been sent to –

- Vince Catania MLA
- Hon. Rob Johnstone, Minister for Road Safety
- Hon. Simon O’Brien, Minister for Transport
- Hon. Grant Woodhams MLA, Speaker for the Lower House
- Roadwise Geraldton

A petition is also being prepared, and will be circulated through the community.



FESA Emergency Contact numbers

The FESA Emergency Communications Centre recently changed their contact arrangements for the 000 Service Agreement, limiting the number of contacts that can be listed to a maximum of three. A large part of the assumption seemed to be that mobile phone and SMS are available in Yalgoo.

This is patently inadequate for Yalgoo, as we have currently got 8 numbers listed, and this by no means assures that the Communications would get someone –

- office number is only attended during work hours
- people are often away from their home number on weekends
- if they contact someone on their mobile, they will know that they are not in Yalgoo
- satellite phones are always left in the vehicles, and only rarely removed
- if away from work, their Yalgoo residence, do not have a mobile or satellite phone, the only possibility is a land line outside of Yalgoo

After discussing the problems with FESA Regional Manager, John Johnson, Yalgoo will go to a group call system, similar to that used by Brigades. We will be the only Shire in the State to have access to the system. Once in place, arrangements will be made for the appropriate people to be listed and receive a briefing on how to use the system.

School lunch program

Letters requesting sponsorship, particularly of fruit juice drinks, were sent to about 8 organisations, and Oakajee Port and Rail have advised that it is under consideration. They will be contacting me shortly to finalise details.

Meetings

29 October	Regional Roads Group with Cr Anderson
5 November	Rob Jeffries, Geraldton Iron Ore Alliance
6 November	Murchison Country Zone meeting, with Cr Iturbide and Cr Anderson
9 November	Yalgoo Inter Agency Meeting
10 November	John Johnson, FESA
17 November	June Doyle, Murchison Health Service Manager
18 November	Yalgoo ICP community meeting
25 November	Council tour of Golden Grove
26 November	Sr Mary Ryan, Centacare re Yalgoo ICP

Future commitments

27 November	Stan Scott, CEO Shire of Perenjori, Bill McKenzie, CEO Asia Iron, Ben Carr, Bush Heritage Fund re Regional Environmental Association
27 November	Gordon Houston, Dallywater Consulting re Regional Waste Audit
1 December	Local Emergency Mgmt desktop exercise and Committee meeting
3 December	Murchison Executive Group in Yalgoo
7 December	Yalgoo Inter Agency Meeting
8 December	MGMHSRMG meeting in Geraldton
15 December	Council meeting and End of Year function
18 December	Works crew close down
24 December	Office close
4 January 2010	Office and Works crew recommence
9 January	Extraordinary Election – 2 vacancies

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-1121 CEO activity Report**

**Moved Cr EC Rowe, Seconded Cr DE Anderson**

**That the CEO’s Activity Report for the month to 19 November 2009 be received.**

**Motion put and carried 5/0**

**11.4.2 DELEGATIONS REGISTER – Annual Review**

File: P11  
 Author: Niel Mitchell, CEO  
 Interest Declared: Person to whom delegations are made  
 Date: 1 November 2009  
 Attachments: p.51 Current Delegations Register – with draft amendments

**MATTER FOR CONSIDERATION**

To consider Delegations for the 2010 calendar year.

**BACKGROUND**

Council is required to review and confirm Delegations at least once every 12 months.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.5.42 – Council may delegate to the CEO
- s.5.43 – limitations on delegations that may be made

Dept of Local Government and Regional Development –

- Guidelines 17 – Delegations (includes references to “acting through” i.e. policy)

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Delegations to CEO and other staff

**FINANCIAL IMPLICATIONS**

None

**CONSULTATION**

None

**COMMENT**

Delegations are required to be approved by Council at least once every 12 months. There is no stipulation as to whether this is to apply to a calendar year or financial year.

In reviewing the delegations, a number of changes are suggested –

Current Delegations –

1.2 – Healthy Community Project Reference Group

Delete in its entirety as no longer relevant

2.2 – Tenders

In Statutory context –

- delete reference to Policy 5.4.1
- amend reference to Policy 5.4.2 to Policy 7.2

2.5 – Investment of surplus funds

In point 2, delete the words “the same day”. Confirmation of investments are sent from the Eastern States, and can therefore take time to arrive.

2.6 – Write off of minor outstanding amounts

Delete first dot point of (1) as it is superfluous

2.8 – Building Control

Delete, as the transitional provisions of the new Building Act no longer apply (revamped as draft new Delegation 3.3)

4.1 – Employment and Management of Staff (delegation by CEO)

Delete reference to Healthy Community Project Team leader

Delete clause 3, and renumber the following clauses.

New Delegations –

1.2 – Local Emergency Management Committee

The State Emergency Management Policy provides that the LEMC may consist of –

- Council members, employees and other persons

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

### 3.3 – Building Control

To comply with changes to the Local Government (Miscellaneous Provisions) Act 1960

One matter that Council should consider is payment of travel for private individuals appointed to Council Committees, in particular, the Local Emergency Management Committee. The Act does not permit payment of meeting fees, however, does permit reimbursement of actual expenses.

Membership of the Audit Committee, will need to be re-considered, in light of Council’s practice to name all current elected members to the Committee. There is also no prohibition to members of the public being members of any Committee. As Cr Anderson’s resignation from Council takes effect at the close of the November 2009 Council meeting, his appointment to the Audit Committee continues until either changed by Council or resignation from the Committee.

### VOTING REQUIREMENTS

Absolute majority

### OFFICER RECOMMENDATION/ COUNCIL DECISION

#### **C2009-1122    Delegation Register – Annual Review**

**Moved Cr EC Rowe, Seconded Cr MJ Forster**

**That the 2009 Delegations Register be confirmed to apply for the 2010 calendar year, with the following amendments –**

- a) **Deletion of current delegations –**
  - 1.2 – **Healthy Community Project Reference Group**
  - 2.8 – **Building Control**
- b) **Amendments to current delegations –**
  - 2.2 – **Tenders – in Statutory context –**
    - delete reference to Policy 5.4.1
    - amend reference to Policy 5.4.2 to Policy 7.2
  - 2.5 – **Investment of surplus funds**
    - In point 2, delete the words “the same day”.
  - 2.6 – **Write off of minor outstanding amounts –**
    - in paragraph 1, delete the first dot point – *sundry debtors, where considered unrecoverable or not worth pursuing*
  - 4.1 – **Employment and Management of Staff (delegation by CEO)**
    - Delete reference to Healthy Community Project Team leader
    - Delete clause 3, and renumber the following clauses.
- c) **Adoption of new delegations, as per drafts presented –**
  - 1.2 – **Local Emergency Management Committee**
  - 3.3 – **Building Control**

**Motion put and carried by Absolute Majority 5/0**

**11.4.3 POLICY MANUAL – Annual Report**

File: P11  
 Author: Niel Mitchell, CEO  
 Interest Declared: None  
 Date: 4 November 2009  
 Attachments: p.79 Draft amendments and new Policies

**MATTER FOR CONSIDERATION**

To consider amendments to the Policy Manual

**BACKGROUND**

Council may make, amend and revoke Policy at any time.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Dept of Local Government and Regional Development –

- Guidelines 17 – Delegations (includes references to “acting through” (i.e.: policy)

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Amendments to Policy

**FINANCIAL IMPLICATIONS**

None

**CONSULTATION**

None

**COMMENT**

Unlike delegations, policy does not have to be reviewed annually or at any other time, however as a matter of good management, the Policy Manual should be reviewed regularly. The current policy manual was last reviewed in November 2009. In order to spread the workload, Council approved a timetable for November annually, when a report on the Policy Manual is to be made to Council by the CEO.

New Policies already adopted since the last review are –

- 1.8 Elected member records
- 2.4 Material variances
- 2.5 Land under roads
- 13.3 Road asset management priorities

A review has been made and a number of amendments are suggested –

Policy	Title	Details of proposed amendment
<i>Comment</i>		
1.3	Authorised Meeting - Claim	Delete – Murchison Zone Strategy Group and Northern Wheatbelt Health Scheme Add – Crosslands Resource Community Liaison Committee
i) Both MZSG and the NWHs have been discontinued.		
ii) Crosslands Liaison Committee meets 4 times per year		

1.7	External Organisations	Delete – Murchison Zone Strategy Group and Northern Wheatbelt Health Scheme Add – Crosslands Resource Community Liaison Committee
		<p>i) <i>Both MZSG and the NWHS have been discontinued.</i></p> <p>ii) <i>Nominations to Crosslands Liaison Committee is required – currently Cr Iturbide and the CEO, but recommended that Ms Trish Grinham of Meka Station replace the CEO</i></p> <p>iii) <i>Refer also amended Policy attached, with names of representatives as resolved at October 2009 Council Meeting.</i></p> <p>iv) <i>Further amended so that representatives can be resolved without amending the policy.</i></p>
7.6	Annual Budget – Preparation timetable	<p>Add as Paragraphs 4 and 5 –</p> <p>4. <i>In preparation for Budget, the following inspections are to be arranged by the CEO –</i></p> <ul style="list-style-type: none"> <li>- <i>roads – date/s to be agreed at the March Council meeting.</i></li> <li>- <i>plant and equipment – on the day of the March Council meeting,</i></li> <li>- <i>public facilities – on the day of May Council meeting</i> <ul style="list-style-type: none"> <li>o <i>Shire Office, Shire Hall, Old Railway Station, Caravan Park, Depot Workshop, Cemetery, St Hyacinth's Chapel etc</i></li> </ul> </li> </ul> <p>5. <i>In preparation for Budget, the EHO is to inspect Shire housing, and buildings, and provide a report to the May Council meeting.</i></p> <p>i) <i>At this time, there is no direction given as to any inspection that Council may wish to undertake.</i></p> <p>ii) <i>Similarly, there is no direction given as to a Paynes Find Electors Meeting, however, if a Council meeting is held in Paynes Find prior to the Budget, this could fulfil the same purpose. The last Paynes Find Electors Meeting for which records can be located was 29 June 2005. An Electors meeting can only be held as directed by Council (specific decision or policy), or on the written instruction of the President.</i></p>
10.1	Occupational Health and Safety	<p>Annual confirmation is required</p> <p><i>Schedule 10.1 to be confirmed annually</i></p>
11.5	Superannuation	<p>Add as Paragraph 2 –</p> <p>2. <i>Consistent with Council Resolution C2009-0644, payment of 9% superannuation guarantee is to be paid on –</i></p> <ul style="list-style-type: none"> <li>- <i>all earnings of all staff, pre-tax, pre-salary sacrifice, including overtime payments,</i></li> <li>- <i>applicable earnings are as defined by the Australian Taxation Office, therefore including various leave, bonuses etc, but excluding lump sum payments on termination etc.</i></li> <li>- <i>this arrangement to apply from the commencement of the pay period starting on 30 June 2009.</i></li> </ul> <p><i>Refer amended Policy attached.</i></p>

New policies now proposed are –

- 1.9 Shire Logo
- 2.6 Reserve Accounts – Purposes and Balances
- 5.5 Swimming Pool – Criteria for planning
- 7.8 Centacare – Support for ICP
- 7.9 Education Scholarships and Donations
- 11.11 Emergency services – Call outs during work hours
- 12.4 Plant Replacement Cycles

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

**C2009-1123 Policy 10.1 Occupational Health and Safety**

**Moved Cr EC Rowe, Seconded Cr MJ Forster**

**That Policy 10.1 Occupational Health and Safety be confirmed, and signed by the President and CEO.  
Motion put and carried 5/0**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

**C2009-1124 Amendments to the Policy Manual**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That the following amendments to the Policy Manual as compiled to date, be made –**

Policy	Title	Details of amendment
1.3	Authorised Meeting - Claim	Delete – Murchison Zone Strategy Group and Northern Wheatbelt Health Scheme Add – Crosslands Resource Community Liaison Committee
1.7	External Organisations	Amend by – Deleting – Murchison Zone Strategy Group and Northern Wheatbelt Health Scheme Adding – Crosslands Resource Community Liaison Committee Removing names of representatives and deputies from the Policy Statement
7.6	Annual Budget – Preparation timetable	Add as Paragraphs 4 and 5 – 4. <i>In preparation for Budget, the following inspections are to be arranged by the CEO –</i> - roads – date/s to be agreed at the March Council meeting. - plant and equipment – on the day of the March Council meeting, - public facilities – on the day of May Council meeting o Shire Office, Shire Hall, Old Railway Station, Caravan Park, Depot Workshop, Cemetery, St Hyacinth's Chapel etc 5. <i>In preparation for Budget, the EHO is to inspect Shire housing, and buildings, and provide a report to the May Council meeting.</i>
11.5	Superannuation	Add as Paragraph 2 – 2. <i>Consistent with Council Resolution C2009-0644, payment of 9% superannuation guarantee is to be paid on –</i> - all earnings of all staff, pre-tax, pre-salary sacrifice, including overtime payments, - applicable earnings are as defined by the Australian Taxation Office, therefore <i>including</i> various leave, bonuses etc, but <i>excluding</i> lump sum payments on termination etc. - this arrangement to apply from the commencement of the pay period starting on 30 June 2009.

**Motion put and carried 5/0**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 3/ COUNCIL DECISION

**C2009-1125 Additions to the Policy Manual**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That the following additions to the Policy Manual as presented be adopted –**

- 1.9 Shire Logo
- 2.6 Reserve Accounts – Purposes and Balances
- 5.5 Swimming Pool – Criteria for planning
- 7.8 Centacare – Support for ICP
- 7.9 Education Scholarships and Donations
- 11.11 Emergency services – Call outs during work hours
- 12.4 Plant Replacement Cycles

**Motion put and carried 5/0**

**11.4.4 COUNCIL MEETINGS 2010**

File:  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 18 November 2009  
 Attachments: None

**MATTER FOR CONSIDERATION**

To set dates, times and location of meetings for 2010

**BACKGROUND**

Council is required under the Local Government Act to give local public notice of dates and times of Council and Committee meetings.

**STATUTORY ENVIRONMENT**

Local Government Act –

- s.5.3 – Council meeting not to be more than 3 months apart
- s.5.25 – Regulations may be made

Administration Regulations –

- r.12 – local public notice of date and time of Council and Committee meetings to be given at least once each year.

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Cost of advertising.

**CONSULTATION**

None

**COMMENT**

In previous years, Council has not held a January meeting, and it is assumed that this will also be that case in January 2010.

The Act does not require Council to meet on a particular day nor in a particular place. Council has generally met on a Thursday each month. In 2009, one meeting was held in Paynes Find. If this is to continue in 2010, it is suggested that the meeting in Paynes Find be held in April or May, prior to Budget.

In the past, some thought was given to commencing the meeting at 1.00pm, however, should there be a lot of business or discussion, this then puts the pressure on to finish before dark to avoid wildlife while driving. Commencing at 11.00am also allows for additional flexibility should there be guests addressing Council.

Proposed meeting dates for 2010 Ordinary meetings are generally the second last Thursday each month, thereby allowing an extra week when the month has five Thursdays –

- Thursday, 18 February 2010
- Thursday, 18 March 2010
- Thursday, 22 April 2010                      Easter – 2-5 April
- Thursday, 20 May 2010
- Thursday, 17 June 2010
- Thursday, 22 July 2010
- Thursday, 19 August 2010
- Thursday, 23 September 2010
- Thursday, 21 October 2010                      No local government elections in 2010
- Thursday, 18 November 2010                      LGMA Conference planned for early November
- Tuesday, 14 December 2010                      Change of day as in previous years –
  - end of year function
  - crew close down the Thursday 16<sup>th</sup>

- School term finishes

Special meetings of Council for Budget or other matters – as determined or directed from time to time.

Committee Meetings –

- Audit Committee – as determined, since will depend on receipt of Auditor's Report etc.
- Local Emergency Management Committee – required to meet three monthly, Committee now established, and initial meeting on 1 December 2009

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

#### **C2009-1126 Council Meetings year 2010**

**Moved CR EC Rowe, Seconded Cr MJ Forster**

**That 2010 Ordinary meetings of Council be held –**

- **in the Council Chambers, commencing at 11.00 am, on the following dates –**
  - **Thursday, 18 February 2010**
  - **Thursday, 18 March 2010**
  - **Thursday, 20 May 2010**
  - **Thursday, 17 June 2010**
  - **Thursday, 22 July 2010**
  - **Thursday, 19 August 2010**
  - **Thursday, 23 September 2010**
  - **Thursday, 18 November 2010**
  - **Tuesday, 14 December 2010**
- **in the Paynes Find Community Centre, commencing at 11.00 am, on the following dates –**
  - **Thursday, 22 April 2010**
  - **Thursday, 21 October 2010**

**Motion put and carried 5/0**



**11.4.5 MEEKATHARRA RANGELANDS BIOSECURITY ASSOC.**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 19 November 2009  
Attachments: p.93 Agenda for 1 December 2009 meeting of MRBA  
p.94 Issues for discussion at the meeting

**MATTER FOR CONSIDERATION**

To consider representation to the Meekatharra Rangelands Biosecurity Association

**BACKGROUND**

The MRBA is to become a recognised incorporated body under the Incorporations Act as provided for in the Biosecurity and Agriculture Management Act 2007 and become a Recognised Biosecurity Group (RBG), replacing the Meekatharra Zone Control Authority

**STATUTORY ENVIRONMENT**

Biosecurity and Agriculture Management Act 2007

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

None

**CONSULTATION**

None

**COMMENT**

While there is no requirement for Council to nominate a representative, Council may wish to consider becoming an Associate member of the MRBA. Full and associate members may also hold management committee positions. An associate member cannot vote on setting a Declared Pest Rate, but otherwise has full entitlements.

Full membership is open only to those organisations or person paying the Declared Pest Rate.

The function of the MRBA does appear to be different to that of a Land Conservation District Committee, and while there may be some overlap with the MRVC, although the MRVC is more focussed on the vermin proof fence, rather than control, which would be the MRBA focus.

A meeting is proposed for Tuesday 1 December 2009 in Cue to discuss establishment, direction, election of Management Committee etc.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2009-1127 Meerkatharra Rangelands Biosecurity Association**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That Council does not make a nomination to the Meekatharra Rangelands Biosecurity Association.**

**Motion put and carried 4/1**

#### **11.4.6 AUDIT COMMITTEE**

File: A10  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 19 November 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

To set a date for an Audit Committee meeting

#### **BACKGROUND**

A local government must have an Audit Committee which meets to review the Auditor's Report.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

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

Audit Regulations 1996 –

- r.16 – Functions of an Audit Committee

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

The Independent Audit Report was received on 18 November 2009. No Audit Management Report has been received at this time, but is expected to be available for Council Meeting.

The report will be submitted to the next meeting of the Audit Committee, which may be held during an adjournment of the December Council meeting. The minutes of the Audit Committee will then be provided to Council later in the meeting.

The Audit Report did not make any Audit qualification.

Previously, the Audit Committee has met on the same day as Council meeting, and has consisted of all current members of Council. There is no requirement for all members of Council to be on the Committee, nor is there a prohibition on external appointments to the Committee.

With nominations for the extraordinary election closing on 3 December 2009, it is possible that candidates may be elected unopposed, and therefore eligible to attend Council meeting on 15 December 2009.

Membership of the Committee may be reviewed at the commencement of the Council meeting, prior to adjournment for the Audit Committee meeting. The Act also requires that a minimum of 10 days notice be advertised of a Committee meeting.

#### **VOTING REQUIREMENTS**

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-1128    Audit Committee**

**Moved Cr EC Rowe, Seconded CR L Hodder**

**That an Audit Committee meeting be held on Tuesday, 15 December 2009, commencing at 1.00pm.  
Motion put and carried 4/1**

#### **11.4.7 ANNUAL REPORT and ELECTORS MEETING – Year Ending 30 June 2009**

File: A10  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 19 November 2009  
Attachments: p.97 Draft Annual Report

#### **MATTER FOR CONSIDERATION**

To accept the Annual Report for the Year Ending 30 June 2009.

#### **BACKGROUND**

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

The Annual Report includes:

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

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

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

Administration Regulations –

- r.15 – Annual Report approved by Council to be presented.

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

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

#### **CONSULTATION**

None

#### **COMMENT**

The Independent Audit Report was received on 18 November 2009. No Audit Management Report has been received at this time, but is expected to be available for Council Meeting.

The report will be submitted to the next meeting of the Audit Committee, which may be held during an adjournment of the December Council meeting. The minutes of the Audit Committee will then be provided to Council later in the meeting.

The Audit Report did not make any Audit qualification.

In summary the Shire recorded a net operating surplus of \$1,510,011. The Shire's balance sheet continues to improve with total equity being \$21,283,298.

The Shire's cash position has also improved compared to both the budget and the previous financial year with cash at the end of the year increasing to \$3,022, 107 from \$2,405,022 at the start of the year. This includes Cash Backed Reserves, which also showed a slight decrease moving to \$2,046,423 from \$2,085,185 at the start of the year. This was still a \$280,000 improvement on the Budgeted position.

Should Council accept the draft Annual Report the Electors Meeting must be held within 56 days, that is, on or before 21 January 2010. In the past, it has been usual to hold the Electors Meeting on a Council meeting day, the next Council meeting being 15 December 2009, with the following meeting due to be held on 18 February 2010.

The Act requires that the Adopted Annual Report be available to the public for a minimum of 14 days prior to the Annual Electors Meeting.

#### VOTING REQUIREMENTS

Absolute majority

#### OFFICER RECOMMENDATION 1

That the draft Annual Report for the Year Ending 30 June 2009 be accepted.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 2

That the Annual Electors Meeting for the Year Ending 30 June 2009 be held on Tuesday, 15 December 2009, commencing at 4.30pm.

#### COUNCIL DECISION

#### **C2009-1129 Annual Report and Electors Meeting for year ending 30 June 2009**

#### **Moved Cr EC Rowe, Seconded CR L Hodder**

- 1. That the draft Annual Report for the year ending 30 June 2009 be accepted.**
- 2. That the Annual Electors Meeting for the year ending 30 June 2009 be held on Tuesday, 15 December 2009, commencing at 4.30pm.**

**Motion put and carried by Absolute Majority 5/0**

## **12. NOTICE OF MOTIONS**

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### **12.1 PREVIOUS NOTICE RECEIVED**

None

### **12.2 FOR CONSIDERATION AT THE FOLOWING MEETING**

None

## **13. URGENT BUSINESS**

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### **ADMISSION OF URGENT BUSINESS**

VOTING REQUIREMENTS  
Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

**C2009-1130 Admission of Urgent Business**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That Council admits the following additional matters for discussion and decision –**

**13.1 – Geraldton Fuel Donation**

**13.2 – Proposed Yalgoo Health Centre**

**13.3 – CEO Recruitment – Confidentiality Statement**

**Motion put and carried 5/0**

### **ADJOURNMENT**

*The meeting adjourned at 4.16pm and resumed at 4.27pm with all who were in attendance before the adjournment being present at the resumption.*

### **13.1 DONATION FROM GERALDTON FUEL**

File:  
Author: Violet Rowe, DCEO  
Interest Declared: No interest to disclose  
Date: 24 November 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

To determine suitable and beneficial expenditure of a \$5000 donation from Geraldton Fuel.

#### **BACKGROUND**

Geraldton Fuel as part of the lease of fuel station has made a once off donated of \$5000 to the Shire of Yalgoo for community development which is to be spent at the discretion of council.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

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

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Niel Mitchell, CEO  
Ruth Burmeister, Centacare

#### **COMMENT**

Geraldton Fuel as part of the leasing of fuel station has donated \$5000 to the Shire of Yalgoo for community development which is to be spent at the discretion of council. We have receipted this money into our municipal account and it is ready for spending.

The CEO, Centrecare and myself discussed options for this donation and have come up with the following suggestions to council:

- \$800 Community Christmas dinner (to be organised by Centrecare)
- \$1000 Community Calender (to be organised by Centrecare)
- \$200 plants/seeds for community garden (to be organised by Centrecare)
- \$3000 fireworks display at the Community Christmas dinner (to be organised by Shire)

It is generally understood that the last Community Christmas function held in 2007 was very much enjoyed by the community and the community would benefit from another such event. The community calendar will feature services available to Yalgoo i.e. visiting doctors, mental health etc as well as local art and will hopefully be popular amongst households in and around Yalgoo. The community garden will be beneficial to families of Yalgoo as they will be able to tend to garden and reap the nutritional benefits and cost savings of the vegetables produced. Other agencies in Yalgoo such as CDEP and Yalgoo Primary School will also be contributing to the community garden.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-1131     Donation from Geraldton Fuel**

**Moved Cr EC Rowe, Seconded CR L Hodder**

**That the \$5000 donated from Geraldton Fuel be made available to Centrecare for the following projects:**

- **\$800 Community Christmas dinner**
- **\$1000 Community Calender**
- **\$200 plants/seeds for community garden**
- **\$3000 fireworks display at the Community Christmas dinner or other community event if fireworks do not come to fruition**

**C2009-1132     Amendment to Motion**

**Moved Cr MJ Forster, Seconded Cr EC Rowe**

**That the \$3000 suggested allocation for fireworks be deleted and that the allocation be for community events to be determined.**

**Amendment put and carried 4/1**

The Amended Motion –

**That the \$5000 donated from Geraldton Fuel be made available to Centrecare for the following projects:**

- **\$800 Community Christmas dinner**
  - **\$1000 Community Calender**
  - **\$200 plants/seeds for community garden, and**
- the balance of \$3000 be for community events to be determined.**

**Amended motion put and carried 5/0**



## **13.2 PROPOSED YALGOO HEALTH CENTRE**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 24 November 2009  
Attachments: draft floor plan, elevations and specifications

### **MATTER FOR CONSIDERATION**

To consider calling of tenders, appointment of panel to accept a tender.

### **BACKGROUND**

Agreement has been reached with WA Country Health Service - Midwest for the construction of a new Yalgoo Health Centre on Reserve 3225, Gibbons St, Yalgoo.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.57 – requirements for tenders may be prescribed.

Functions and General Regulations –

- r.11A to 24 – regulations concerning tenders – calling, acceptance, recording, notifying.

### **STRATEGIC IMPLICATIONS**

None

### **POLICY IMPLICATIONS**

None

### **FINANCIAL IMPLICATIONS**

None

### **CONSULTATION**

Shane Matthews and Brian Chinnery, WACHS Midwest

### **COMMENT**

The proposal for a new Yalgoo Health Centre was first raised in late 2008, with Shane Matthews, WACHS Midwest Regional Director. In cooperation with WACHS, a grant application under the Commonwealth Government's Regional and Rural Medical Infrastructure Fund was submitted, and subsequently approved for approx. \$551,000 earlier in 2009.

WACHS has agreed to fund the expenditure of construction of the agreed Health Centre design which is in excess of the grant component, following the principle of cost neutrality to the Shire as discussed.

Over the past six months arrangements have been made for –

- identification of preferred location in Yalgoo
- purpose of the Reserve amended so as to allow for the construction of the Health Centre
- agreement of the State for transfer of the Reserve from the Shire to the State in 2020, following completion of the grant requirements for retention by the Shire of the asset.
- floor plan developed by WACHS in consultation with stakeholders to meet Health Department standards, and specifications prepared.

A number of matters remain to be completed prior to acceptance of a tender –

- formal agreement as to cost neutrality to the Shire of the development
- written agreement as to cost of annual maintenance cost of the Health Centre, by way of 10 year lease agreement to be prepared by State Solicitor's Office
- calling and acceptance of tenders
- project management and oversight

The terms of the Commonwealth grant include –

- expenditure of the grant by 30 June 2010
- Shire to retain ownership of the asset for a minimum of ten years
- the asset must be maintained in good order and condition

I would not anticipate a problem with expenditure of the grant by 30 June 2010, with construction costs, landscaping, septic system etc needing to be done, although it is unlikely that the project would be complete, and ready for use by that date.

However, tenders should be called and accepted as soon as possible so as to get the project underway, in order to be as close to the grant timelines as possible.

Tenders called now, would not close until after the December 2009 Council meeting, as they are required to be open for a minimum of 14 days, and the next Council meeting is not due until 18 February 2010. In order to get the process underway as quickly as possible, it is suggested that tenders be called as soon as all necessary information and arrangements are agreed in writing with WACHS, closing mid January, to take into account the usual end of year hiatus in businesses and government, and a tender accepted as soon as possible thereafter.

It may be that some time will be required for assessment of the tenders received, clarification of any queries, but it should be possible that a tender could be accepted by the end of January 2010.

Council may prefer that consideration of the tenders be referred to the Council meeting due on 18 February 2010, or may wish to consider delegation of acceptance of a tender to a Committee or the CEO.

As the Shire is the grant recipient, we are therefore responsible for the project and the owner of record. It is also essential that the requirements of the Local Government Act and the Functions and General Regulations are observed.

Prior to calling of tenders, it will also be necessary for tender documentation be prepared, that incorporates the WACHS information.

While the Shire will be the owner of the facility, WACHS will be the user and lessee, so it is appropriate that they be consulted in detail concerning the acceptance of tenders and involved in resolving any queries.

The State Solicitor's Office has advised WACHS that they consider the most appropriate time for the formal contract between WACHS and the Shire regarding lease arrangements and future transfer of the Reserve and building is once construction of the project is nearing completion.

#### VOTING REQUIREMENTS

Absolute majority

#### OFFICER RECOMMENDATION 1/ COUNCIL DECISION

#### **C2009-1133    CEO to call Tender for Yalgoo Health Centre**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That the CEO call tenders for the construction of the new Yalgoo Health Centre as soon as possible, subject to the following being confirmed in writing –**

- **all plans, specifications and documentation necessary, being available for distribution to prospective tenderers,**
- **agreement as to the principles of cost neutrality to the Shire for preliminaries to the project, construction of the building and all associated costs, maintenance or lease of the facility for a ten year period, and**
- **transfer of the Yalgoo Health Centre from the Shire to WA Country Health Service at the conclusion of the retention period required by the terms of the Commonwealth grant at an agreed sum, such amount not to exceed the net cost to the Shire of ownership of the facility.**

**Motion put and carried by Absolute Majority 5/0**

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

**C2009-1134    Acceptance of Tender**

**Moved Cr MJ Forster, Seconded Cr L Hodder**

**That the CEO be delegated authority to accept the most advantageous tender, subject to consultation with, and the written agreement of –**

- **President and Deputy President**
- **WA Country Health Service Midwest Regional Director**

**Motion put and carried by Absolute Majority 5/0**

### **13.3 CEO RECRUITMENT – Confidentiality Statement**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 26 November 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

To consider a Confidentiality and Certification to be signed by Councillors

#### **BACKGROUND**

In recruiting any staff member, there are legal obligations placed on the recipients of information.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.5.40 – requirements for merit based selection, fair and consistent treatment, application of the Equal Opportunity Act
- s.5.93 – improper use of information

Rules of Conduct Regulations –

- r.6 – use of information
- r.7 – securing personal advantage or disadvantaging others
- r.8 – prohibition against involvement in administration

Equal Opportunity Act –

- s.139 (3) – application of the EO Act to public authorities, including local government

Freedom of Information Act –

- s.106 – personal liability of principal officer

Public Sector Management Act –

- s.7 – general principles of public sector administration and management
- s.8 – general principles of human resource management
- s.9 – general principles of official conduct

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Department of Local Government  
Office of Public Sector Standards Commissioner

#### **COMMENT**

The process of selection of any staff member is hedged by legislative requirements, not all of which are obvious.

As CEO responsible for all staff appointments, subject to Council's confirmation in the case of designated employees, I am bound by the same legislation as Council, in addition to specific statements in my contract of employment with Council. As an individual, there is not a broad span of control that needs to be exercised, even if recruitment functions are delegated.

In the case of CEO recruitment, there is number of people involved, and the span of control is substantially more difficult to manage and ensure compliance with all the various requirements.

There is a legal obligation on Councillors to maintain the privacy of applicants who entrust their personal details for consideration. Although not employees under the LG Act, they are prospective employees. There are legal obligations under the LG Act and EO Act to give fair consideration to every applicant, and for each one to be treated equally and equitably. The PSM Act requires complete integrity in the processes.

The FOI Act requires an agency to provide information to requesting person, subject to their right to access that information. In prescribing the information to be made available, and to whom it is permitted to be made available, the FOI Act by implication makes it an offence to disclose information to people not entitled to it. While the onus is on the principal officer of the agency (i.e. CEO) to ensure compliance, the principal officer is not held liable where a third party makes an improper or unauthorised disclosure.

There are a range of matters it is inappropriate or illegal to query. A consultant has been engaged to assist Council with the process, and in doing so becomes Council's representative to applicants for information, and applicants have a reasonable expectation that the consultant will be the only person enquiring about them.

Council's spokesperson to the consultant is the President, required by the LG Act to effect Council's instructions as per the Rules of Conduct Regulations. Contact by Councillors not authorised by Council with any person could be considered a breach of the Regulations.

While the legislation requires Council to observe the requirements, there is no formal requirements for Councillors to sign a confidentiality agreement.

The attached draft is intended to ensure that Councillors are aware of their responsibilities under the LG Act, obligations to maintain the privacy of applicants, and treat all applicants fairly and equally.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

#### **C2009-1135    CEO Recruitment – Confidentiality Statement**

**Moved Cr MJ Forster, Seconded Cr DE Anderson**

**That the following Confidentiality and Certification be adopted by Council, and each Councillor required to sign the document –**

- 1. *I am aware that all the information associated with the recruitment of a new CEO is provided to me for that purpose and as strictly confidential information and that it is only provided to me for the purposes that are relevant to the performance of my duties as a Council or Committee member for the purposes of carrying out that function under section 5.92 of the Local Government Act 1995.***
- 2. *I am also aware that I must not make improper use of any information acquired by me in the performance of my function and that I will not disclose any information that would identify an applicant to a person who is not entitled to that information under section 5.93.***
- 3. *I am also aware that the penalty for a breach of this section is \$10,000 or 2 years imprisonment.***
- 4. *I will not make any contact with any of the applicants or their referees, or carry out any personal background checks whatsoever, and recognize that any such unauthorized involvement in the recruitment process may create a detriment for the Council or the applicant.***
- 5. *I will carry out my function of selecting a new CEO in a fair and impartial manner and that I have not provided any applicant with an undertaking or any other indication that they will be selected for the position.***
- 6. *I accept that unless specifically authorized by Council, all actions relating to the recruitment of a new CEO are to be directed through the President.***

#### **C2009-1136    Procedural Motion**

**Moved Cr MJ Forster, Seconded Cr DE Anderson**

**That the Motion be not now put.**

**Motion put and carried 5/0**

*Ms V Rowe left the meeting at 4.40pm and returned in at 4.42pm.*

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

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None

**15. NEXT MEETING**

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The next Ordinary Meeting of Council is due to be held in the Council Chamber in Gibbons Street, on Tuesday, 15 December 2009, commencing at 11.00 am.

NOTE It was noted that Special Meeting/s may be required for the CEO Recruitment process.

**16. MEETING CLOSURE**

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On behalf of the Council and staff, Cr Iturbide thanked Cr Anderson for his commitment and dedication as a Councillor since 1992 and as President of the Shire for over 8 years and made a presentation to him in acknowledgement.

There being no further business, the President declared the meeting closed at 4.59pm.

**DECLARATION**

These minutes were confirmed by Council at the Ordinary Meeting held on \_\_\_\_\_.

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