



UNCONFIRMED MINUTES
OF THE ORDINARY MEETING
OF COUNCIL
HELD ON
19 JULY 2012

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Unconfirmed Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 19 July 2012, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire Deputy President Len Terry declared the Ordinary Meeting open at 11.08am.
As Shire President Terry Iturbide was an apology, Deputy President Len Terry chaired the meeting.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Len J Terry, Deputy Shire President Cr Laurence Hodder Cr M Raul Valenzuela Cr Neil A Grinham
STAFF	Sharon Daishe, Chief Executive Officer Heather Boyd, Deputy CEO Karen Malloch, Executive Assistant
GUESTS	Pierre Malan, General Manager MMG Golden Grove and Craig Turley, Senior Community Relations Manager, MMG Golden Grove attended the meeting at 11.10am to 12.08pm
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	Cr Terry K Iturbide, Shire President

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

Nil reports

7.2 COUNCILLORS

Nil reports

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0701 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 21 June 2012 be confirmed.

Moved: Cr M Raul Valenzuela

Seconded: Cr Neil Grinham

Motion put and carried 4/0

9. MINUTES OF COMMITTEE MEETINGS

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

10.0 INFORMATION ITEMS

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

10.1 MMG GOLDEN GROVE

Annual Presentation to Council.

Councillors attended a presentation by Pierre Malan, General Manager MMG Golden Grove and Craig Turley, Senior Community Relations Manager, MMG Golden Grove from 11.10 am until the adjournment for lunch at 12.08pm.

ADJOURNMENT: LUNCH

The meeting adjourned for lunch at 12.08pm and resumed at 1.40pm with all who were in attendance before the adjournment being present at the resumption except Karen Malloch, Executive Assistant.

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 WORKS AND SERVICES

11.1.1 MUTINY GOLD LTD - HAULAGE ROAD

File:		
Author:	Ron Adams, Project Executive	
Interest Declared:	No interest to disclose	
Date:		
Attachments	P1	Letter from Mutiny Gold Pty
(yellow)	P4	Report from Project Executive
	P5	Mutiny Gold Overview

Matter for Consideration

Approval of haulage road for Mutiny Gold Ltd at Gullewa Mine

Background

Mutiny Gold Ltd sent a request for authorisation to construct haulage access in road reserve on the Yalgoo Morawa Road.

Refer to attachments for visual of the proposed intersection.

The Shire of Yalgoo is currently constructing a 4 meter seal through this section of road which should be completed by October 2012.

The Project Executive has inspected the intersection in line with the request from Mutiny Gold.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

Policy Implications

Financial Implications

Cost to design the intersection, and inspection and project management of the works.

Consultation

Comment

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0702 Mutiny Gold Ltd – Haulage Road

1. That Council grants approval in principle to Mutiny Gold Ltd to construct a haulage access intersection with the Yalgoo Morawa Road on the following conditions:
 - The applicant must enter into a Road Agreement with the Shire of Yalgoo;
 - The applicant will bear all costs associated with the intersection including but not limited to drawing up of the agreement, design, project management, construction, safety and maintenance;
 - The intersection is to be designed to Shire specifications by the Shire’s consulting engineers;
 - Final approval to commence construction will be granted after the Shire’s engineers have completed and approved the design of the intersection.
2. The Shire authorises the CEO to negotiate, sign and seal the Road Agreement in accordance with this decision.

Moved: Cr M Raul Valenzuela

Seconded: Cr Laurence Hodder

Motion put and carried 4/0

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.3 FINANCE

11.3.1 Interim Financial Activity Statements and Accounts Paid for the month of June 2012.

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	10 July 2012
Attachments (green)	P1-19 Interim Financial Activity Statements P20-26 Interim Balance Sheet P27 Interim Income Statement Summary by Program P29 Investment Register P30 Rate Debt Collection Report P31-32 Schedule of Payments

Matter for Consideration

Adoption of the interim monthly financial statements, investment register and schedule of payments.

Background

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed and require the Chief Executive Officer to prepare a list of accounts paid.

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

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.

Regulation 34 states:

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

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

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

Strategic Implications

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

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

Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

Financial Implications

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

Consultation

Shire accountants UHY Haines Norton.

Comment

The Shire utilises the services of accountants UHY Haines Norton to prepare the monthly financial statements in the statutory format and provide general accountancy support and advice.

A copy of the Interim Statement of Financial Performance is included in the financial attachments with the investment register and schedule of payments.

These financial reports represent the information received to 30 June 2012. The reports will be subject to change up until the time of the final audit of the financial statements. Changes will include accruals of invoices received after these reports were prepared, as well as internal journals reallocating income and expenditure within the financial system.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION
C2012-0703 Adoption of the Interim Financial Activity Statements for the month of June 2012.
That Council notes the interim financial statements for the period ending 30 June 2012, as attached.
Moved: Cr M Raul Valenzuela Seconded: Cr Laurence Hodder Motion put and carried 4/0

OFFICER RECOMMENDATION/COUNCIL DECISION
C2012-0704 List of accounts paid for the month of June 2012
That Council receives the Schedule of Payments for accounts paid in the month of June 2012.
Moved: Cr M Raul Valenzuela Seconded: Cr Neil Grinham Motion put and carried 4/0

11.4 ADMINISTRATION

11.4.1 Disposal of Firearm

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	27 June 2012
Attachments	P11 Yalgoo Police – Firearm held at Yalgoo Police Station – Disposal Required (yellow)

Matter for Consideration

To consider disposing of the firearm currently held at Yalgoo Police Station.

Background

The Shire of Yalgoo previously held a corporate licence to own a .22 Rifle Bolt Repeater. Research shows that the licence for this firearm expired on 27 September 2009.

On 12 January 2009 the Shire purchased a new .22 calibre repeater rifle, Stirling make, serial A1074801. It appears that the Shire has not applied for a licence for this rifle and it has been held at the Yalgoo Police Station since purchase.

The Shire must decide by 25 September 2012 whether to licence, or dispose of, this firearm.

Statutory Environment

Firearms Act 1973

16. Licences

- (1) The licences which may be issued under this Act are —
 - (c) a Corporate Licence, which may be issued in the corporate or trading name of any bank, financial institution, Government department, State instrumentality or other organisation approved by the Commissioner and entitles that organisation to possess the firearms named and identified in that licence, together with ammunition therefor, and, subject to section 16A, authorises that organisation to permit any person to whom subsection (2) applies to possess, carry and use any such firearm or ammunition either
 - (i) on the premises of the organisation; or
 - (ii) in the course of carrying out a function approved by the Commissioner and authorised by that organisation,
 - in accordance with the terms, restrictions, limitations and conditions applicable to that licence;

Strategic Implications

Nil

Policy Implications

Delegation Statement 2.3 Disposal of Assets:

1. The CEO is authorised to dispose of assets by offering them for public sale, and to accept the most advantageous offer in the following circumstances –

- a) Assets with a written down value less than \$5,000 (individually or collectively) –
 - assets that are surplus to requirements, unused, damaged or impounded

Note that in this instance the asset must be disposed of to an appropriately licensed person and will not be offered for public sale.

Financial Implications

The nominal value of the disposal is expected to be \$200 or more.

Consultation

- Ranger Ron Adams
- Constable Adrian Comeagain
- Licensed Firearms Dealer Ashley Norwood, Tackleworld, Geraldton (supplier of rifle)

Comment

The Shire employs a contract ranger and the Shire has not required the firearm while it has been in storage at the Police station for three and a half years.

The Shire does not have any policies or procedures for use of the firearm and there is anecdotal evidence that the previous firearm may have been accessed and/or used by persons who did not have a licence that permits them to use a firearm.

As a firearm is potentially a lethal weapon, the Shire has a duty of care and obligations of occupational health and safety to ensure that there are appropriate policies, procedures, induction processes and training in place for licensing, storage, use, maintenance and inspection of the firearm.

As the Shire has little to no evidence of need for the firearm, the administration that would be required does not justify keeping the rifle.

The rifle must be disposed of directly to a licensed firearms dealer who will either purchase the firearm direct or take legal possession of the firearm and sell on consignment. The original supplier is willing to assist with the disposition.

It is recommended that the Shire disposes of the rifle.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0705 Disposal of Firearm

That Council authorises the CEO to dispose of Stirling .22 calibre repeater rifle A1074801 to a licensed firearms dealer (or to consign the firearm to a licensed firearm dealer to sell through the legal channels to a qualified person).

Moved: Cr Laurence Hodder

Seconded: Cr M Raul Valenzuela

Motion put and carried 4/0

11.4.2 Review of Policy 3.8 Complaints

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	03 July 2012
Attachments	P12 Current policy 3.8 Complaints
(yellow)	P13 Draft new policy 3.8 Complaints

Matter for Consideration

To consider the Shire’s policy for dealing with external complaints.

Background

The Shire has an obligation to deal with complaints in a timely and fair manner and to apply the principals of natural justice to all parties.

A review of the existing complaints shows that whilst it is concise, the language is not always clear, parts are ambiguous and the rights of all parties are not described.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

Ensure that the Shire has a clear, fair policy to enable complaints to be dealt with promptly and give clarity to the person dealing with the complaint, the complainant, and any person/s against whom a complaint is made.

Policy Implications

Policy 3.8 Complaints

Financial Implications

Nil

Consultation

- Deputy CEO Heather Boyd

Comment

A draft amended complaints policy is attached and is recommended for adoption.

(Note that complaints against councillors for minor breaches of the Local Government Act are dealt with separately in accordance with the provisions of the Act refer s5.121, s5.110(6)(b)..)

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0706 Review of Shire Policy 3.8 Complaints

That Council formally adopts the draft policy contained in the attachments to replace the existing policy 3.8 Complaints.

Moved: Cr M Raul Valenzuela

Seconded: Cr Neil Grinham

Motion put and carried 4/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 23 August 2012 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 2.03pm.

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

Common Acronyms

Acronym	Detail
AGM	Annual General Meeting
ASKAP	<i>Australian Square Kilometre Array Pathfinder</i>
BFS	Bush Fire Service
CEO	Chief Executive Officer
CLGF	Country Local Government Fund (Royalties for Regions)
CSRFF	Community Sporting and Recreation Facilities Fund
DCEO	Deputy Chief Executive Officer
DCP	Department of Child Protection
DEC	Department of Environment and Conservation
DEMC	District Emergency Management Committee
DIA	Department of Indigenous Affairs
DITRDLG	Dept of Infrastructure, Transport, Regional Development & Local Government (Federal)
DLG	Dept of Local Government
DPI	Dept for Planning and Infrastructure
EA	Executive Assistant
EA	Executive Assistant
ECC	Emergency Coordination Centre
ERM	Emergency Risk management
FAG	Financial Assistance Grant
FESA	Fire and Emergency Services Authority
FRS	Fire and Rescue Service
GRAMS	Geraldton Regional Aboriginal Medical Service
GTS	Greenfield Technical Services – consulting civil engineers
HMA	Hazard Management Agency
ICC	Indigenous Coordination Centre
ICV	Indigenous Community Volunteers
ISA	Integrated Service Arrangement – replacing MRWA TNCs in 2011 or 2012
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LGMA	Local Government Managers' Association
LRC	Local Recovery Coordinator
LRCC	Local Recovery Coordinating Committee
MCZ	Murchison Country Zone
MEEDAC	Midwest Employment and Economic Development Aboriginal Corporation
MEG	Murchison Executive Group (CEOs)
MGM	Mount Gibson Mining (Extension Hill Haematite)
MMG	Minerals and Mining Group (Golden Grove Mine)
MMGHSRMG	Murchison Mid West Gascoyne Human Services Regional Managers Group
MRVC	Murchison Regional Vermin Council
MRWA	Main Roads WA
MWAC	Municipal Waste Advisory Council
MWDC	Mid West Development Commission
MWIP	Mid West Investment Plan

Acronym	Detail
MWRC	Mid West Regional Council – consisting of 7 Shires
OPR	Oakajee Port and Rail
PE	Project Executive
POC	Plant Operating Costs
PWOC	Public Works Overhead Costs
R2R	Roads to Recovery (Cmwlth)
R4R	Royalties for Regions (State)
RDA	Regional Development Australia
RDL	Dept of Regional Development and Lands
RFT	Request for Tender
RGS	Regional Grant Scheme
RLCIP	Regional and Local Community Infrastructure Program
RRG	Regional Roads Group
ROMAN	Road Management – software system
SAO	Senior Administration Officer
SAT	State Administrative Tribunal
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SES	State Emergency Service
SEWS	Standard Emergency Warning Signal
SLK	Straight line kilometres
SOP	Standard Operating Procedure
SWMP	(Regional) Strategic Waste Management Plan
TNC	Term Network Contract – from MRWA for State roads maintenance
TQUAL	Tourism Quality Projects
VAST	Viewer Access Satellite Television
WACHS	WA Country Health Service
WALGA	WA Local Government Association
WWTP	Waste Water Treatment Plan

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