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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,  
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on Thursday 27 August 2009, commencing at 11.00 am.

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

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

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MEMBERS

STAFF

OBSERVERS

LEAVE OF ABSENCE

APOLOGIES

**3. DISCLOSURE OF INTERESTS**

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**4. PUBLIC QUESTION TIME**

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**4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE**

None

**4.2 QUESTIONS WITHOUT NOTICE**

**5. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

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**6. APPLICATIONS FOR LEAVE OF ABSENCE**

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**7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

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**7.1 PRESIDENT**

**7.2 COUNCILLORS**

**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

That the Minutes of the Ordinary Council Meeting of 23 July 2009 be confirmed.

**8.2 SPECIAL COUNCIL MEETINGS**

None

**9. MINUTES OF COMMITTEE MEETINGS**

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None

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

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11.15am Mr Andrew Klein and Ms Sue van Uden  
Operations Manager and Director of Nursing, WA Country Health Service Mid West

Attachments: p.1 Briefing Note to Council

11.45am Mr Simon Burns  
Project Manager, Golden Stallion Resources (Minjar Gold Mine)

## **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: 20 August 2009  
Attachments: p.3 RRG 09/10 road project allocations

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 –
  - Yalgoo-Ningham Rd form and gravel – the 6.5km between the two passing opportunities near Thundelarra Homestead should be complete by 20 August
    - o Took about 8 weeks, due to a fair few days lost with rain, and longer carting distance
  - Yalgoo-Morawa Rd form and gravel 5.5km – to the next passing opportunity from the end of the current bitumen seal should commence about 31 August
    - o 4-5 weeks duration expected
  - Private works for Water Corp – approx 3-4 days
  
- b) Maintenance – some work delayed by rain –
  - maintenance grading done or underway –
    - o Paynes Find-Thundelarra Rd
    - o Burnerbinmah Rd
    - o Maranalgo Rd
    - o Mt Gibson Homestead Rd
    - o Ningham Homestead Rds
    - o Badja Homestead and Woolshed Rds – re-do V-drains
    - o Yalgoo-Morawa Rd
    - o Carlaminda Woolshed Rds

- maintenance work due –
    - o Yalgoo-Ningham Rd – particularly from lake crossing to highway
    - o North Rd
    - o Dalgara-cue-Mt Magnet etc Rd
    - o general maintenance throughout the Shire – focussing on the north
  - pipes needed in Maranalgo Rd (near homestead) and some distance south of homestead
  - within the next few weeks, GTS will be asked to –
    - o GPS and peg out several locations for gravel on Ningham and Morawa Rds
    - o prepare bitumen repair schedule prior to reseal work – Ningham, Morawa, North Rds (near Carlaminda) and town streets
- c) Plant
- Volvo – alterations to hydraulic oil tank and lines for float clearance
  - float – pin and plate altered for legal distance to be regained and inspection passed.
  - Iveco truck – engine sensors had to be re-set, windscreen replaced
  - ute 453 – windscreen replaced
  - vibe roller – fuel pump leaking and will need to go to Geraldton
  
  - specifications for prime mover, semi-tipper, service truck and town truck being prepared
- d) Other
- 2 new houses –
    - o decks still not yet complete, nor paid
  - Paynes Find trip for maintenance in Community Centre grounds etc due soon
  - Gullewa cemetery and Wuraga gravesites also need attention
  - Depot – new office lunchroom due to be completed 19 August, hopefully delivered within the week
  - Yalgoo Community Park –
    - o barbecues, gazebos completed
    - o electrical and plumbing work done
- e) Depot Office and lunchroom
- finished at factory on 19 August
  - due in Yalgoo within 7-10 days of completion
  - electrician, plumber, telephone etc being organised
- f) Yalgoo Town footpaths
- back fill and some stencilling needed to complete prior to inspection and transfer of the grant funds from Trust

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION

That the Works Report to 20 August 2009 be received.

## **11.2 DEVELOPMENT**

### **11.2.1 UNALLOCATED CROWN LAND AVAILABILITY**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 20 August 2009  
Attachments: p.4 Letter from DPI  
p.5 map of available lots

MATTER FOR CONSIDERATION  
Provision of land for private purchase

#### BACKGROUND

Some 18 months or so ago, when Ferrowest looked as though it was approaching certainty, Council asked for land to be made available within the townsite for private purchase for residential purposes.

#### 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  
Development of land in Yalgoo

POLICY IMPLICATIONS  
None

FINANCIAL IMPLICATIONS  
Cost of purchasing lots should Council desire.

CONSULTATION  
State Land Services

#### COMMENT

Following occasional discussions with them over the previous 18 months, State Land Services have advised of 26 lots that could be released, subject to native title and other required processes.

Originally, SLS were under the impression that Council wished to purchase these for resale, however, they were advised that Council's wish that land be available for purchase, rather than Council wanting to acquire the lots.

From the advice given, it would appear that land west of Gibbons Street is essentially unavailable, and has reached its maximum capacity for development, for the time being, due to mining leases over the area.

With the acquisition of Lot 217, behind the old MRWA depot and adjacent to Lot 185 which is under contract to Ferrowest, the main residential development in the future will need to be Campbell Street, and as far as possible retain lots facing Gibbons for business / commercial.

Industrial development should be targeted to the area behind the Shire depot, with at least part of the current stockpile area being retained as a buffer between industrial development and Lot 185. While it may still be quite some time before the land is needed, the procedures and clearances could take several years to complete.

Brooking Street is unconstructed, and has no services available.

SLS still have 5 lots in Campbell St, available for purchase for residential purposes.

The Shire's need for land for staff accommodation is a very limited requirement, with currently 13 houses and units, proposals to build a 14<sup>th</sup>, and a total staff of 15 full time staff currently. The Shire does own Lot 53 adjacent to the Foreman's residence, if required. Two units are leased to other organisations –

- WA Country Health Service – for a 1 year term expiring February 2010, but it is suggested that this should be extended until such time as the new Health Centre is complete and refurbishment of the current Nursing Post as a residence is completed
- Centacare – for an indefinite period, subject to continuation of their involvement in delivering social / community programs and activities to the town.

With the decision not to proceed with a swimming pool, it may be that the three lots intended to be included into Reserve 35346 for recreation, are no longer required for this purpose. However, it is recommended that Council retain the lots with the intention of recreation development on them at some future date.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 1

That State Land Services be advised that –

- the 11 lots with frontage to Campbell Street are recommended for release for residential purposes
- lots 126, 128 and 130 fronting Gibbons Street are recommended for release for commercial purposes
- as Brooking Street is unconstructed and services are not available, these lots are recommended to be withheld at this time
- Council may be interested in purchasing several lots in time, but does not wish to purchase the lots for re-sale.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 2

That State Land Services be requested to commence procedures to release land north west of the Shire Depot for light industrial purposes.

**11.2.2 HEALTH COMMUNITY PROJECT – Consultant’s Report**

File:  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 20 August 2009  
 Attachments: p.6 Report of Social Systems and Evaluation

**MATTER FOR CONSIDERATION**

To consider the consultant’s report for the Health Community Project “Into the Future”.

**BACKGROUND**

This report was authorised by Council at the June 2009 meeting, utilising funds from Dept of Families, Housing, Children’s Service and Indigenous Affairs, to guide both Council and Centacare concerning the activities and projects over the next 2 years in particular.

**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**

Social development

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

None

**CONSULTATION**

Ms Brianna Higgins, FaHCSIA  
 Sr Mary Ryan, Centacare Geraldton  
 Ms Rosemary Cant & Mr Colin Penter, Social Systems and Evaluation

**COMMENT**

FaHCSIA requested the consultancy be undertaken as Council agreed to the transfer of funding and parts of the HCP program to Centacare as from 1 August 2009, and to guide Centacare in the transition from the Indigenous Children’s Program (under which the Shire had been funded) to the new Family Support Program.

The consultants made two visits to Yalgoo during the preparation of the report, and also drew on their knowledge of the community obtained during work undertaken for the Murchison Midwest Gascoyne Human Services Regional Managers Group Gap and Mapping Analysis of the region. Much of the historical and current situation will be known to Council.

My comments in relation to the Report –

Paragraph	Comment
9, 13	Initial discussions with Adrian Donovan of MEEDAC about transferring the School lunch program to them are very encouraging. However, MEEDAC does not have the funding to purchase the food and would require sponsorship for this aspect. Staff time would increase from the current situation of one person for 4 hours per day to 2 people 3 hrs/day, funded as a CDEP project. MEEDAC are currently pursuing sponsorship, and I also have several possibilities in mind.
15	Centacare have agreed that they will continue the Playgroup, and options for training etc have already been discussed. Additional play equipment has been purchased with the special grant from FaHCSIA, and Centacare advised to progressively access whatever is appropriate.



16, 17 Centacare will also take on the Op Shop, and tentative arrangements for regular exchange of items have been discussed. They will most likely use St Vincent de Paul in Geraldton, and the Op Shop staff member will meet with them when exchanging to gain experience and knowledge

18 Many of the dot points listed have been identified by Centacare as important, and it is their intention to progressively implement appropriate activities. One of their key principles will be to establish an activity, and then gradually transfer capability and responsibility for the activity to an appropriate person, while maintaining oversight and support. They have clearly indicated that they will not be trying to do everything, and especially not all at once.

Some of the activities will not be run directly by them, but they intend to seek other agencies to assist in delivery of them, for instance holiday programs.

It needs to be recognised that funding will be a major constraint, and they will rely very heavily on sponsorship (holiday programs etc), and volunteers (excursions).

Specific comment regarding the dot points –

- 3<sup>rd</sup> last – Points system – administratively this is a lot of work, and a heavy load. While it has been useful, I am aware of it only operating for a short period under the management of Leanda Adams, and at this stage, it is not intended to re-introduce it.

- 2<sup>nd</sup> last – communications –

- o public phone – no reports of the public phone not working have been received. Information is being sought from Telstra as to the number of faults reported over the past 12 months.
- o Telecentre – the computers at the HCP offices are no longer connected to the internet, and were intended for school homework, people preparing resumes or doing study etc, (Internet access was removed after consistently finding highly inappropriate material on the computer hard drives).

This may be an aspect for further investigation, as no previous clear need for a Telecentre has been expressed. Centrelink have not yet finalised their arrangements, but from discussion with the Manager in Geraldton recently, I understand that these are nearly completion.

- o mobile phones – this has been a constant complaint and despite pressure over many years now, Telstra refuse to acknowledge the need. I had a recent discussion with Hon. Grant Woodhams MLA regarding mobile coverage, and he has requested information, as Telstra are seeking Government assistance.
- o broadband – hopefully in place by December 2009, following a recent discussion with Telstra and Mid West Development Commission

- last – some of these functions would be appropriate for MEEDAC to take up, as the Midwest Employment and Economic Development Aboriginal Corporation. As a personal note, it is very disappointing to note directions to staff having been mis-interpreted, and that an opportunity to assist the community was therefore blocked.

20 Centacare are aware of the paucity of Government agency contact with the town, with DCP's Child Protection Worker being the only reasonably regular presence.

The initial interagency meeting was held on 10 August, with the next being in October. In discussion at the meeting it was felt that participation should be extended to MEEDAC, and several other agencies, and also invite participation of a Councillor.

21 The After School Activities Program run by the School in 2008, for the latter half of the year, was supposed to have been operating, utilising a Shire staff member on workers compensation leave as part of his rehabilitation.

The Choose Respect Program to be delivered by the School does have a small budget provision by Council to support this initiative.

22 The lack of recreation facilities has been recognised by Council for many years, and the proposed projects under the Country Local Government Fund addresses some of these needs –

- water park as a swimming pool is not affordable or sustainable
- covered courts facility with improved surfaces and lighting
- hall upgrade so that it is more of a usable space

Not previously discussed by Council as I recall is the possibly of either a skate park or BMX track –

- skate park – can be very noisy and would need to be away from houses
- BMX – again should be away from houses and from the highway. Did have some discussion quite some time ago with the Foreman about possibly developing a temporary sort of track east of Campbell St, but did not pursue this further

If either or both of these two possibilities are considered worth looking at further, perhaps there could be discussion with the Education Dept about locating them on the existing bicycle track opposite the School or the drainage reserve controlled by the Shire adjacent (opposite the CEO residence).

There is a stock of sporting equipment stored in the Depot, although some it is now getting a bit weary. It has not been used for quite a while.

Golden Grove is known to be willing to be further involved in the town and community, and are aware that Centacare may approach them for assistance. They have offered the use of their pool as an after School activity, but require that adult supervisors possess Senior First Aid and Life Saving qualifications at minimum. None have been able to be identified at this time.

24 The lack of real assistance from volunteers has been an issue for successive HCP staff members, and has resulted in activities being cut short on the day, discontinued or not taken up at all. I am aware that various staff members have approached different people over the years, with limited or no response.

26 In particular, the need to shift from a single agency delivering HCP outcomes needs to be addressed. In the Report, there is at least one example of a glaring overlap of current and intended activities by differing agencies that should and could be aligned into a single activity very easily. Over the past 12 months or so, there has been a deliberate effort made to involve other agencies in delivering HCP outcomes, and in the past few months, there is real progress being made –

- DCP – occasional holiday or one day programs
- Centacare – taking on the social/family aspects of HCP
- School – Choose Respect Program
- MEEDAC – current discussions re School lunch program
- WACHS – new Yalgoo Health Centre and their intention for a greater focus on preventative health and incorporation of meeting areas etc in the Centre

I have been giving some thought to the possibility of development of an MOU with these agencies and others to outline the key focus areas of each agency, agreed specific actions etc to avoid overlap. For example, if MEEDAC are willing to take up the function of assisting with resumes, training etc, there is no reason that the Shire should duplicate their efforts.

Other agencies that could be included are Police, MMG (Golden Grove)

30 I consider this paragraph creates a false impression in that while 64% of Schools may operate a canteen, they would not do so at a 70% to 80% loss rate which the School lunch program does here. If a canteen does not operate at a profit it is closed.

As such what is being operated here is not consistent with the wider community, in either the profit making respect or the delivery of exclusively healthy lunches.

These canteens are usually run by the School's P&C, and are run at sufficient profit, not only to pay their staff, but also to contribute often significant funds to the School.

36 This has been a specific intention since Leanda Adams had to run the program on her own since February 2008.

39 The high expectations has been an issue that has been quite difficult for staff to manage, and the mismatch noted by the consultants, has at times caused quite a deal of stress. Centacare are aware of this issue.

40 One of the obvious benefits of using a third party for consultations is that the community is more willing to speak frankly about their concerns and hopes. This was also noted in the CUCRH consultations – that there was information obtained or confirmed through their reports which was either unknown or assumed.

41-44 If an MOU is considered beneficial, these aspects could be addressed in that document.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 1

That the Report of Social Systems and Evaluation “Yalgoo Healthy Community Project – Into the Future” be received and copies provided to Centacare Geraldton, and to Dept of Families, Housing, Children’s Services, and Indigenous Affairs.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 2

That transfer of the School lunch program to MEEDAC as part of the CDEP program be approved, subject to their agreement, and the Hall kitchen continue to be made available for preparation of the lunches free of charge.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 3

That –

- Council continue funding the food requirements for the School lunch program to the end of the 2009 School year, or until sponsorship is obtained,
- the cost to be partially off-set by the \$1 per lunch vouchers
- once sponsorship is obtained for the food requirements, the voucher system either –
  - o be transferred to MEEDAC, or
  - o administered on their behalf

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 4

That once transfer of the activities is completed, that letters of thanks be sent to –

- Tamisha Hodder – for her involvement initially in the School lunch program and more recently with the Playgroup and Op Shop, and to
- Olive Gibson and Margaret Simpson – for their involvement initially in the School lunch program

**11.3 FINANCE**

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

File: N/A  
 Author: Violet Rowel, Deputy CEO  
 Interest Declared: No interest to disclose  
 Date: 17 August 2009  
 Attachments: None

Investments

Fund	Institution	Invested	Due	Interest Rate %	Amount Due	Govt guarantee
Municipal	NAB	varying		Up to 3%		Yes
Reserve	Suncorp	1,010,532.88	26 August 2009	4.2	1,014,021.29	Yes except \$10,532.88
Reserve	Suncorp	1,041,744.83	26 October 2009	3.65	1,051,244.71	Yes

Comparative investment rates

NAB Cash Maximiser	3.00
Bankwest	3.50
WA Treasury	3.00
Macquarie Bank	3.00

Ranger duties

- Ranger visited 21<sup>st</sup> July 2009
- Patrols conducted
- All dogs that were registered last year and now registered
- 1 dog destroyed

2009/2010 Budget

The budget was adopted at the July council meeting. Statutory budgets and management budgets will be circulated to Councillors with the August council minutes.

The total raised from Local Government rates will be \$999,897.18 which is \$57,890 less than the budget. This difference is due to the changes in 1.07.09 valuation since the rate modeling was done. The 1.07.09 valuations were not received prior to the rate modeling for budget being run. We imagine this \$57,890 less will be covered by interim rates.

Meetings

- Accrued leave from work 24<sup>th</sup> July -3<sup>rd</sup> August 2009
- Dereck Halden, Geraldton industrial Supplies 4<sup>th</sup> August 2009
- Inter-agency meeting, Yalgoo 10<sup>th</sup> August 2009
- Rosemary Cant and Colin Penter, Social Systems and Evaluation 17<sup>th</sup> August 2009
- Meedac 18<sup>th</sup> August 2009 (briefing Meedac participants on amalgamation)

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That the Deputy CEO’s Activity Report to 17 August 2009 be received.

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

File:  
Author: Violet Rowe, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 19 August 2009  
Finance p.1 Financial Activity Statements for July 2009  
p.21 Balance Sheet  
p.27 Income Statement Detail  
p.39 Income Statement by Nature & Type  
p.40 Income Statement Summary by Program  
p. 43 Material Variance

#### **MATTER FOR CONSIDERATION**

Council to consider adopting the monthly financial statements for July 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**

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

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

File: N/A  
Author: Violet Rowe, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 17 August 2009  
Finance: p.41 Listing of accounts paid

**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month of July 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 July 2009 as per attached schedule. The jump in cheque numbers relates to several cheques being printed on incorrectly and therefore being unusable.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That:

1. The Cheque Detail of payments covering vouchers EFT 1 - 6 totalling \$60,799.98 paid during the month of July 2009, be received;
2. Cheque payments covering cheque numbers 11137- 11164 totalling \$4,117.50 paid during the month of July 2009, be received; and
3. Salaries and Wages totalling \$47,432.23 paid during the month of July 2009, be received.

**11.3.4 MATERIAL VARIANCE CRITERIA FOR THE 2009/2010 FINANCIAL YEAR**

File:  
 Author: Violet Rowe, Deputy Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 19 August 2009  
 Finance: p.43

**MATTER FOR CONSIDERATION**

To consider the setting of materiality minimum and percentage to be used in statements of financial activity for reporting material variances for the 2009/2010 financial year.

**BACKGROUND**

According to Regulation 34 of the Local Government (Financial Management) Regulations, each Council must adopt a percentage over which a budget variance would be considered material when they review the monthly statements of financial activities and accept the annual budget review.

Materiality thresholds can be set as a percentage, or dollar value, or both, against an appropriate base amount. The advantage of setting both is that you can set a minimum value threshold as well as a proportional value threshold relevant to major items. Budgets, at their lowest level, are set against an account or job number. In this case the intention is to report variations of 10%, with a minimum value of \$5,000, in order to maintain significance in reporting.

**STATUTORY ENVIRONMENT**

AASB 1031 defines the term “material” as follows:

*Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions of users taken on the basis of the financial report. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.*

This recommendation is submitted and governed by Regulation 34. Financial Activity Statement Report — Local Government (Financial Management) Regulations 1966, Part 4 – Financial Reports.

*34. Financial activity statement report - s. 6.4*

- (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 the 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); and*
  - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing -*
  - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown:*
  - (a) *according to nature and type classification;*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be -*
  - (a) *presented to the council -*
    - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
    - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;*  
*and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*



- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.*
- (6) *In this regulation -  
“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;  
“restricted assets” has the same meaning as in AAS 27. ”*

#### STRATEGIC IMPLICATIONS

None

#### POLICY IMPLICATIONS

None

#### BUDGET IMPLICATIONS

There are no actual budget implications from adopting these materiality figures as they are there to assist and guide management and Council. Adoption of this recommendation should assist Council in making sound financial management decisions.

#### FINANCIAL IMPLICATIONS

None

#### CONSULTATION

None

#### COMMENT

As Councillors would be aware, each year a Material Variance must be adopted to assist in reviewing the Monthly Financial Statements and the Annual Budget Review. In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, each Council must adopt a percentage over which a Budget variance would be considered material when it reviews the monthly statements of financial activities and accepts the Annual Budget Review.

Council adopted a Material Variance in relation to the Budget of 10% or \$5,000 for the 2008/09 financial year. It is suggested to council to maintain this material variance percentage and minimum.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION

It is recommended that Council adopt 10% and a minimum of \$5,000 for reporting material variances to be used in assessing statements of financial activity and the Annual Budget Review for the 2009/10 Financial Year.

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

File:  
Author: Violet Rowe, DCEO  
Interest Declared: No interest to disclose  
Date: 18 August 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

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

#### **BACKGROUND**

The Yalgoo Primary School wants to commence dance lessons on Fridays to meet weekly Physical Education requirements. The attendants of the dancing lessons require jiffy ballet shoes. The Yalgoo Primary School is hoping to get assistance with the purchase of the ballet jiffy shoes for the dance lessons from the Shire of Yalgoo.

#### **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 Gills, Yalgoo Primary School

#### **COMMENT**

The total donation the Yalgoo Primary School is seeking is estimated to be \$400, based on 20 pairs of jiffy ballet shoes and \$20 a pair.

Andrea Gills from the Yalgoo primary school advises-

*The objective of running these one hour dance classes at the hall on Fridays is to meet weekly Physical Education requirements. We also aim to provide quality time with the girls from the community with female teaching staff, community members and the Community Development Officer. The project would culminate in a performance evening for community members at the Shire Hall. I thank the Shire Council for considering this and hope that we have success together.*

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**

That a donation of \$400 be made to the Yalgoo Primary School, towards the cost of providing jiffy ballet shoes for the weekly dancing lessons.

**11.3.6 BUDGET CLARIFICATION – CLGF Projects confirmation**

File: N/A  
 Author: Violet Rowe, Deputy Chief Executive Officer  
 Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 14 August 2009  
 Attachment: p.20 Draft Schedule of CLGF Projects and Timeframes

**MATTER FOR CONSIDERATION**

To review the decisions made at the July 2009 council meeting in relation to the Country Local Government Funding for Shire discretionary projects

**BACKGROUND**

At the July council meeting, Council approved the draft 2009-2010 budget. After approving the budget Council resolved to make changes to the Country Local Government Fund projects and timeframes. These changes do not correlate with the adopted budget.

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996

**STRATEGIC IMPLICATIONS**

Works proposed for 2009-2010

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Expenditure of CLGF approx. \$1.24 M in 2009-2010

**CONSULTATION**

Niel Mitchell, CEO

**COMMENT**

The Country Local Government Fund projects and timeframes adopted by Council (Res.C2009-0725) at the July 2009 meeting do not match the 2009/2010 budget that was approved by Res. C2009-0729.

Council is requested to clarify the intended projects for 2009-2010, and authorise by Absolute Majority those matters not previously disclosed in the Budget.

**NOTE** – The projects approved will also commit future budgets to some works, due to the timeframes required for completion.

The table below demonstrates what the adopted budget currently displays as the CLGF income and expenditure. The attachment demonstrates the CLCF activities approved by council after the budget approval.

Disclosed in Adopted Budget as a result of amendments authorised–

Reference	Project	Income	Expenses
Year 1			
Received in 2008-09		380,331	
F11 P 4+5	hall upgrade	202,500	200,000
F11 P 4+5	covered courts	15,000	240,781
F11 P 4+5	water playground	135,331	276,211
F12 P 3+4	depot lunch room – deposit in 2008-09	17,500	22,759
F13 P 5	phone exchange upgrade	10,000	20,000
<b>TOTAL</b>		<b>760,662</b>	<b>759,751</b>
difference			911

Reference	Project	Income	Expenses
Year 2			
F13 P 4	Payne's Find rest area	90,000	90,000
F13 P 4	Caravan Park Development	380,000	380,000
F12 P 6	Yalgoo Airstrip Shed	20,000	20,000
<b>TOTAL</b>		490,000	490,000
difference			

The Department has confirmed funding –	Year 1	2008-2009	760,662
	Year 2	2009-2010	<u>487,604</u>
		Total	1,248,266

As a result of the changes resolved, and the subsequent alterations to timelines for projects, the following is proposed as the CLGF works program 2009-2010 –

Reference	Project	CLGF Income Yr 1 & 2	2009-10 Expenses Year 2	
Received in 2008-2009		380,331		
F11 P 4+5	hall upgrade	200,000	200,000	30,000 in Yr 3 60,000 in Yr 4
F11 P 4+5	covered courts - architect - construction	15,000	15,000	10,000 in each of Yr 3 & 4 <b>DEFER Construction, in favour of Hall upgrade</b>
F11 P 4+5	water park	150,000	150,000	120,300 in Yr 3 Complete by October 2010
F12 P 3+4	depot lunch room		24,500	Total 33,000 Deposit \$8,580 paid in 2008-09 Complete by October 2009
F13 P 5	phone exchange upgrade ADSL		20,000	Complete by December 2009
ADDED	Yalgoo Health Centre	163,000	163,000	26,000 in Yr 3 Complete by October 2010
ADDED	Town Maintenance residence at Caravan Park	330,000	330,000	50,000 in Yr 3 (3 bed, 2 bath, 2 load transportable, car- port and verandahs)
F13 P 4	Paynes Find rest area		90,000	
F13 P 4	Caravan Park – general development		DEFER	160,000 in Yr 3 <b>To allow more time for consideration</b>
F12 P 6	Airstrips – - Yalgoo Shed - Paynes Find fencing		20,000	Net after RADS and RASP grants
ADDED	Solar lighting – 3 <sup>rd</sup> town entry statement	9,935	10,000	
<b>Sub-Total</b>		1,248,266	1,022,500	
Spent 2008-09			8,580	Depot office
Yr 2 Underspent – 30 June 2010			217,186	120,300 – Water park
To be spent Yr 3				50,000 – Town Mtce residence
				30,000 – Shire Hall Upgrade
				10,000 – Architect fees
				6,966 – Yalgoo Health Centre
<b>TOTALS</b>		<b>1,248,266</b>	<b>1,248,266</b>	

**NOTE** – There has been some discussion around the industry, and hints from the National Party that Years 3 and 4 of Royalties for Regions may be tied to implementation of structural reform, particularly amalgamation, in whole or in part.

Several of the projects listed above will not be complete by 30 June 2010, but will be completed with carry over of Year 2 funds. Commencement of two major projects in following years will rely on the Government keeping their commitments for Year 3 and 4, for the funds to be available for completion.

**Should funding be tied to structural reform, projects intended for Years 3 and 4 funding may be jeopardised.**

In an email to the CEO on 19 August, DLG commented –

*... at this stage I would be hesitant to allocation/commit any future (years 3 & 4) funds to projects, based upon Minister Grylls' speech at the WALGA convention. The Department is still in discussions with both Ministers offices regarding this speech, their intentions and potential changes to the fund.*

**New or continuing projects proposed for Year 3 (2010-2011) –**

Status	Project	CLGF Income Year 3	2010-11 Expenses Year 3	
Continuing	water park	<i>Yr 2 funds</i>	120,300	Complete by October 2010
Continuing	Town Maintenance residence at C/park	<i>Yr 2 funds</i>	50,000	Complete by December 2010
Continuing	hall upgrade	<i>Yr 2 funds</i>	30,000	60,000 in Yr 4
Continuing	Covered courts - architect fees	<i>Yr 2 funds</i>	10,000	10,000 in Yr 4 – Project Mgmt
Continuing	Yalgoo Health Centre	<i>Pt Yr 2 funds</i> 20,331	27,217	Complete by October 2010
NEW	covered courts - construction	200,000	200,000	Commence by March 2011
NEW	Caravan Park – general development	160,000	160,000	
<b>Sub-Total</b>		380,331	597,517	
Unspent Yr 2		217,186		
Unspent Yr 3			0	
<b>TOTALS</b>		<b>597,517</b>	<b>597,517</b>	

As some of the proposed works in the amended CLGF Program are not disclosed in the Budget documents, an Absolute Majority is required before expenditure of funds is committed.

**New or continuing projects proposed for Year 4 (2011-2012) –**

Status	Project	CLGF Income Year 4	2011-12 Expenses Year 4	
Continuing	hall upgrade	60,000	60,000	
Continuing	covered courts - architect fees	10,000	10,000	Complete by October 2011
Continuing	covered courts - construction	200,000	200,000	Complete by October 2011
NEW	To be determined	110,331	110,331	
<b>Sub-Total</b>		380,331	380,331	
Unspent Yr 3		0		
<b>TOTALS</b>		<b>380,331</b>	<b>380,331</b>	

Some preliminary work in gathering information etc has been done, however, no funds have yet been committed that have not been disclosed in the Budget documents. It approved, if is intended that funds be committed for the various projects as soon as possible to meet the 30 June 2010 expenditure deadline.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 1

That the Country Local Government Fund projects and timeframes as adopted at the July 2009 Council meeting (Res. C2009-0725) be further amended, as per the attached Schedule and detailed above, and that the variances be noted for the Budget Review to be completed in early 2010.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 2

That the CEO call tenders for the following projects, once specifications are complete –

- i) Shire Hall Upgrade – in consultation with the Environmental Health Officer
- ii) Water Park – in consultation with Greenfield Technical Services
- iii) Yalgoo Health Centre – in consultation with WA Country Health Service – Mid West
- iv) Town Maintenance Residence at Caravan Park

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 3

That, if projects with CLGF expenditure under \$40,000 not be approved by the Department for Local Government, the CEO be authorised to –

- implement these projects from Council's own resources,
- re-allocate the CLGF grants to appropriate qualifying works disclosed in the Budget

### **11.3.7 ADOPTION OF PUBLIC INTEREST DISCLOSURE PROCEDURES**

File: P1-1  
Author: Violet Rowe, DCEO  
Interest Declared: No interest to disclose  
Date: 18 August 2009  
Attachments: p.21 Shire of Yalgoo Internal Procedures – Public Interest Disclosure Act 2003.

#### **MATTER FOR CONSIDERATION**

The Public Interest Disclosure Act 2003, requires authorities to prepare and publish internal procedures on its obligations under this Legislation. The Act also requires authorities to appoint a Public Interest Disclosure (PID) Officer within its organisation to deal with disclosures under the Legislation. The PID Act 2003, commenced operation on the 1st July, 2003

#### **BACKGROUND**

The Public Interest Disclosure Act 2003 (PID Act 2003) was enacted in 2003, and as a result several requirements were placed on Local Government to comply. To date the Shire of Yalgoo has not met the requirements of the Commissioner for Public Sector Standards as required under the PID Act 2003

#### **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 Interest Disclosure Act, 2003 –

- s.23(1)(e) – preparation of procedures

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

The Internal Guidelines will become another policy of Council.

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

The Office of Public Sector Standards

#### **COMMENT**

Whilst Council initially complied with the Legislation and appointed a PID Officer (Violet Rowe) no formal internal procedures were prepared. Many other authorities also followed a similar line and only appointed an Officer and did not produce internal procedures.

A generic set of Internal Procedures have now been prepared and they should meet the requirements of the PID Act 2003. The document fully explains the procedures required and is recommended for adoption by Council. Once the document is adopted it will be circulated to all Staff for their information

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION**

That Council adopts the Public Interest Disclosure procedures document as outlined in this report

### **11.3.8 INTERIM AUDIT REPORT for year ending 30 June 2009**

File: A14  
 Author: Violet Rowe, Deputy Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 20 August 2009  
 Finance: p.44 Interim Audit Report

#### **MATTER FOR CONSIDERATION**

To note completion of the interim Audit, and receive the report.

#### **BACKGROUND**

Billy-Joe Thomas of Anderson Munro and Wylie carried out the interim Audit in February 2009, The Shire of Yalgoo received the report in mid June 2009.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.7.2 – requirement for Council have the accounts audited.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

There is no requirement for an Interim Audit Report to be dealt with by the Audit Committee.

#### **Matters noted in the Interim Report –**

- Notification of the Revised salary for Mervyn Comeagian was not kept on his personal file
  - o *DCEO – Mervyn Comeagain was casually employed for a couple of months at the Shire of Yalgoo. During his employment his pay rate remained unchanged therefore no revision of salary was done for that reason, and no notification of revised salary was needed.*
- Employees (Desmond Hodder Jnr and Mervyn Comeagain) were not paid an additional 20% on top of their ordinary hourly prescribed rate for casual employee (as per Municipal Employees (WA) Award 1999)
  - o *DCEO – Mervyn Comegain for the entirety of his casual employment was paid the correct rate (including casual loading).*
  - o *DCEO – Desmond Hodder Jnr, missed out on 10 hours being paid at the casual loading rate. This has since been corrected in the payroll with Desmond Hodder Jnr being paid his owed \$22. This error occurred whilst the DCEO was away which would have put additional pressure of the payroll officer as it leaves no one to check the payroll before it is processed. When only one person does the entire payroll processing themselves small issues like this can be easily overlooked.*
- During our audit we also noted that Invoice 84 from Aaron Yugovich charged to account E025.10 Sign Reps/Replace on 11 February 2009 could not be located.
  - o *DCEO – When I looked for this invoice after the interim audit letter arrived the invoice 84 was located easily in the February Cheque payment file.*
- We noted the following audit issues:
- Several employee timesheets were not filed accordingly and could not be located. This resulted in us not being able to verify the job costing sheets and employee wages
- In the same instance the job costing spreadsheets did not accurately reflect the hours worked as recorded on the employee timesheets.
- Employee overhead rates charged on job costing sheets were inaccurately computed.
  - o *DCEO – When the auditors were here the rates payroll officer had just resigned. Entering work costing is the job of the rates/payroll officer and because they were not here to explain*



*their method of entering work costing (of which there are many) it has difficult for the auditors to understand the work costing sheets. The main thing is the work costing sheets match the payroll of which they did otherwise the work costing would not imported into Quickbooks.*

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That the Interim Audit Report be received, and the actions of the administration be noted.

## **11.4 ADMINISTRATION**

### **11.4.1 CEO – ACTIVITY REPORT – July/August 2009**

File: N/A  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 20 August 2009  
 Attachments: p.66 Government Gazette extract regarding Elected Member numbers  
 p.68 Shire of Gingin – Forum protocols and example item

Separate DLG – Council Forum Guidelines

#### Use of Common Seal

None

#### Use of Delegated Authority not elsewhere reported

None

#### Telephone Exchange Upgrade

Following a telephone conference with Telstra and Mark Canny of MWDC on 11 August, it appears that the infrastructure will be in place by Christmas. Telstra need 21 connections to Bigpond to make their side of things to be viable, but are happy to start with a dozen or so. This does not affect the operation of the infrastructure.

#### Reduction in number of Elected Members

The reduction in number of elected members has now been published in the Government Gazette, with effect as from the October 2009 elections. Due to incorrect advice from the Department of Local Government, the reduction was not approved with immediate effect as previously advised, and following an urgent letter to the WA Electoral Commission, approval from them was obtained for the second vacancy caused by Cr Grey's resignation, to remain unfilled until October 2009.

#### New Yalgoo Health Centre

On Friday 31 July 2009, I met with Shane Matthews, Regional Manager, Andrew Klein, Operations Manager and others of WACHS Mid West to discuss the proposals for the new Yalgoo Health Centre –

- WACHS will design and provide the specifications for tender
- WACHS will request the State Solicitors Office to prepare lease contract and other legal documentation as needed
- WACHS accept that the project will be cost neutral to the Shire, and this principle to be embedded in the contract
- the building must be multi-functional, and specialised rooms will be actively avoided wherever possible

#### Local Government Election 2009

Counting of votes will again be conducted on the basis of "first past the post" after the legislation was passed by Parliament. Regulations and amendments will be implemented in time for the October elections.

Three vacancies will occur, for four year terms, with current Councillors being eligible for re-election –

- Cr Ellen Rowe
- Cr Damian Morrissey
- Vacant (previously Cr Lorraine O'Connor)

Significant dates in the process are –

- 3 September Nominations open
- 10 September Nominations close at the Shire Office **at 4.00pm precisely**  
 While the paperwork can be faxed through, the nomination deposit of \$80 must be received at the Office prior to 4.00pm to complete the nomination process and in order to be valid.
- 13 October Early voting booth in Paynes Find 1.30 to 3.30pm (to coincide with RFS Clinic)
- 17 October Election Day

#### Annual Returns

Annual returns as required by the Local Government Act must be submitted by 31 August 2009, and are to be completed as at 30 June 2009.

Council Forums

At the most recent MEG meeting, information was requested from one of the CEOs regarding Council Forums and Briefing meetings. The advice received from WALGA was different to previous comments, and essentially –

- forums and briefing sessions are outside the Local Government Act, and therefore not governed by the Act
- Council would need to set up their own rules, but the principles of transparency etc need to be maintained
- Dept of Local Government Guidelines No.5 provides guidance

Local Government Reform

- 1) The Minister has advised of extension of deadline for Structural Reform submissions to 30 September 2009. Once the consultants report is received, a draft submission for Council’s consideration will be presented to the meeting on 17 September 2009.
- 2) A Special Meeting of the Zone to discuss the “reform” agenda is being called for Monday 31 August 2009 in Cue, commencing 9.00am, following an approach from Vince Catania MLA, advising of additional information he wanted to discuss with Shires.

Meetings

23 July	Murray Barker, Valuer Generals Office re 3 yearly GRV revaluation for town
21 July	DLGRD workshop meeting in Meekatharra re Structural reform
22 July	Rosemary Cant and Colin Penter, Social Systems and Evaluation re HCP / FaHCSIA consultation for changeover to new requirements and transfer to Centacare
27 July	Murchison Executive Group in Meekatharra
28 July	Cr Steve Manning, Shire of Cue re water park
29 July	Oakajee Port and Rail briefing with Cr Anderson and Cr Hodder
29 July	Adrian Donovan of MEEDAC re school lunches program
31 July	Shane Matthews, Andrew Klein, WACHS-MW re new Yalgoo Health Centre
31 July	Brianna Higgins, FaHCSIA, and Sister Mary Ryan, Centacare, re HCP transition/ transfer in Geraldton
5 August	WALGA Roads Forum
6-8 August	WALGA Annual Convention and AGM
10 August	Interagency Meeting in Yalgoo (being coordinated by Lyndy Richmond)
11 August	Telephone conference with Telstra and Mid West Development Commission regarding the telephone exchange ADSL upgrade
12 August	Mid West Gascoyne Human Services Regional Manager’s Group meeting in Geraldton as Murchison Country Zone Representative
14 August	John Johnson re hazard reduction in Yalgoo townsite
19 August	Ray Brand, Organiser, Local Government and Race Course Employees Union

Future commitments

24 August	Local Government Elections workshop in Geraldton with Deputy CEO
26 August	Adrian Donovan and Victor Ware, MEEDAC, re school lunch program, and several other initiatives / employment prospects
31 August	Special Zone Meeting re Structural Reform in Cue
7-8 September	Auditors for annual audit
14 September	Yalgoo Inter Agency Meeting
13 October	Early voting booth – Paynes Find (RFDS clinic day)
17 October	Local Government elections

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That the CEO’s Activity Report for the month to 20 August 2009 be received.

#### **11.4.2 DEPT OF ENVIRONMENT AND CONSERVATION – Application to Clear**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 20 August 2009  
Attachments: p.71 DEC letter and aerial photo

#### **MATTER FOR CONSIDERATION**

To consider an application to clear land by Oakajee Port and Rail Pty Ltd

#### **BACKGROUND**

Oakajee Port and Rail Pty Ltd have identified their preferred rail route through the region as being north east from Mullewa, on a line to Cue, avoiding the Square Kilometre Array, and then curving north west to Jack Hills Mine.

#### **STATUTORY ENVIRONMENT**

Environmental Protection Act 1986

#### **STRATEGIC IMPLICATIONS**

Location of OPR rail line

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Heather Woodley, Dept of Environment and Conservation

#### **COMMENT**

OPR have applied for the clearing permit to enable assessment of their proposed route to the Jack Hills Mine. The proposed combined total area of clearing is only 5.38 hectares.

Originally a response was required by 10 August (14 days) but after speaking with DEC, it has been extended to after the Council meeting.

To date, Council has not received any information regarding the reasons for this being the preferred route, despite a meeting with OPR representatives on 29 July 2009, and various letters and request from both the Shire and the region.

Council has the right to comment on the application to clear native vegetation, and this may be one way of forcing OPR to explain their preference for this route, as opposed to following the old rail lines. The old railway reserve is the route preferred by the region as it –

- is better integrated with road transport corridors,
- appears to better open up the region for economic development by being more accessible to mines other than Jack Hills
- provides greater possibility of opportunity for towns such as Yalgoo and Mt Magnet
- already has native title extinguished
- is generally land that has already been disturbed, rather than uncleared

The proposed rail route is in the extreme north of the Shire, perhaps just touching into Jingemarra, but primarily through Meka Station.

The likelihood of any objection being successful is not high. The DEC will be making their decision on environmental grounds, not economic.

## VOTING REQUIREMENTS

Simple majority

## OFFICER RECOMMENDATION

That an objection to the application for clearing by Oakajee Port and Rail (DEC ref CPS 3196/1) be lodged on the basis that –

- insufficient information has been provided by them as to justify the preferred route to alternative routes
- the route preferred by local governments of the region along the existing old railway reserve –
  - o is better integrated with road transport corridors,
  - o appears to better open up the region for economic development by being more accessible to mines other than Jack Hills
  - o provides greater possibility of opportunity for towns such as Yalgoo and Mt Magnet
  - o already has native title extinguished
  - o is generally land that has already been disturbed, rather than uncleared

### **11.4.3 STATE RECORDS OFFICE – Elected Member Records**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 20 August 2009  
Attachments: p.73 Draft Policy 1.8 Elected Member Records

#### **MATTER FOR CONSIDERATION**

The requirement for Councillors to retain records relating to their function as Elected Members.

#### **BACKGROUND**

The SRO circulated a draft Policy earlier this year which was opposed by Council and referred to WALGA.

#### **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.

State Records Act

Freedom of Information Act

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

Requirement for Councillors to retain records

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

The Policy adopted by the SRO is actually requirement, as it clarifies the State Records Act provisions as to what records Councillors are required to retain.

It is a requirement on the Elected Member, not the organisation to ensure that all necessary records are kept, and later produced if required by a Court of law, the Crime and Corruption Commission, by application under the Freedom of Information Act etc. To improperly dispose of or destroy a required record is an offence under the State Records Act.

The Shire is required to establish appropriate procedures to assist elected members meet their obligations.

The policy (or instruction) of the SRO is –

*In relation to the recordkeeping requirements of local government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council.*

*This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.*

*Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members' records up to and including the decision making processes of Council.*

In effect, form of record which may affect accountability or contribute to a decision or action made as a Councillor must be retained. These records may be –

- physical – a letter, a handwritten note, a photo someone sends to you in explanation/complaint, an agenda where you have made notes on various items, etc
- electronic – an email or document sent as an attachment to an email, digital photo, an e-file that is sent for review or comment
- audio – message left on your answering machine, although this is likely to be unusual, since rarely are many details left in a message, but it is a record.

The records are not only those you receive, but also those that you create, such as –

- a note of a conversation where someone asked you to pursue a particular matter,
- a letter that you write in the capacity of Councillor,
- an email you send as a Councillor

The records only needs to be relating to those “*affecting the accountability of the Council and the discharge of its business ... up to and including the decision making processes of Council*”. It is the elected members decision and judgement as to what extent this applies, and it is suggested that this not be further defined.

The principles of relevance and ephemerality apply, for example –

- a note to remind you to phone a person is ephemeral, but notes of the conversation may not be
- a copy of an agenda that has no notes made is irrelevant, as the document can be reproduced by the Shire
- a promotional brochure or conference information is not relevant

The organisation’s responsibility is to ensure that there are appropriate procedures and practices established to obtain and retain the records.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 1

That Draft Policy 1.8 Elected Member Records – Capture and Management, as a attached, be adopted

#### **11.4.4 RECONCILIATION ACTION PLAN**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 20 August 2009  
Attachments: p.74 DIA letter re Reconciliation Action Plans  
p.75 Town of Narrogin – Statement of Commitment

#### **MATTER FOR CONSIDERATION**

To consider the request of Dept for Indigenous Affairs to prepare and adopt a Reconciliation Action Plan.

#### **BACKGROUND**

RAPs are relatively recent, having been implemented in various Government agencies over the past two years. The concept appears to have originated with Reconciliation Australia, a private non-Government agency based in Canberra.

#### **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**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

WALGA

Murchison Executive Group

#### **COMMENT**

Information on Reconciliation Australia is at <http://www.reconciliation.org.au/home/about-ra/who-is-ra>.

There is no legal requirement to prepare and adopt a Reconciliation Action Plan.

Review of the information in the RA website seems to indicate that few local governments in Australia have taken up the request, although the list is clearly not exhaustive.

Reference to the Murchison Executive Group indicated that no Shire in the region was considering the development of a RAP.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION**

That the development of a Reconciliation Action Plan not be pursued at this time.



#### **11.4.5 FACET CONFERENCE – Mt Magnet**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 20 August 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

To consider Council representation at the Forum Advocating Cultural and Eco Tourism Conference to be held in Mt Magnet on 18-21 October 2009

#### **BACKGROUND**

Council had previously agreed to a request to provide sponsorship of \$2,000 for the conference which has since been sent to them.

#### **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**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

Part of the sponsor entitlement is 2 complementary Conference Registrations and 2 tickets to the Conference Dinner.

The Conference is being run from the evening of 18 October 2009 with a welcome and introduction, a full days program on the Monday and Tuesday, with the Conference Dinner on Tuesday evening, and a half day on Wednesday 21 October.

Note – Local Government elections on Saturday 17 October and Council meeting on Thursday 22 October.

Registrations close 1 October. Cancellations after this date attract a penalty. If accommodation is required, bookings should be made early, as it is expected that 100-150 people are likely to attend.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION**

That \_\_\_\_\_ be authorised to attend the FACET Conference, and that the Shire meet any additional expenses for accommodation, meals and travel.

**11.4.6 PROPOSED COVERED COURTS – Fee Proposal**

File:  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 20 August 2009  
 Attachments: p.76 Alexander Planning Consultants

**MATTER FOR CONSIDERATION**

To consider a fee proposal for the design, documentation and project management of the construction of the proposed covered court facility.

**BACKGROUND**

As a result of Council resolving not to pursue the construction of a swimming pool and declining all tenders for architectural services, Alexander Planning were requested to submit a fee proposal for covered court facilities only.

**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**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

None

**CONSULTATION**

None

**COMMENT**

Alexander Planning Consultants were the most advantageous proposal for the swimming pool and courts proposal, and were therefore the only firm requested to submit a proposal for the covered courts.

APC fee is in five stages as noted –

1. Concept design	7,420
2. design develop & document	7,640
3. Tender	2,920
4. Contract admin	9,460
5. Post contract	<u>2,320</u>
TOTAL	\$ 29,760 + GST

Exclusions –

- local authority fees
- additional consultants – structural / electrical engineer etc
  - o no estimate was provided for these additional costs

Estimate of architect and consultant fees for the project is \$35,000 as noted in the CLGF proposed projects –  
 \$15,000 in Year 1 and 2 (by 30 June 2010)  
 \$10,000 in Year 3  
 \$10,000 in Year 4

If the covered courts project does proceed, construction would be expected to commence perhaps in early 2011 and be complete in about October 2011 (Year 4 of CLGF), or about 12 months behind the water park. This timeline and expected contractual payments is as in the proposed projects schedule (Item 11.3.6).

Alternatively, Council may choose to utilise Reserve Funds or raise a loan so that the project can be concurrent with the water park construction.

**Please note –**

- i) that as construction is not planned to commence until Year 3 of CLGF, funding of the courts under that program must be considered to be tentative, and possibly in jeopardy, due to the recent comment by the Premier and Ministers for Local Government and Regional Development as noted in Item 11.3.6
- ii) if Council wishes to make certain this project proceeds under CLGF, an alternative project will have to be delayed from the current list of proposed projects.
- iii) CLGF funds cannot be used for loan repayments, operational or equipment expenditure

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That Council accept the fee proposal of Alexander Planning Consultants, noting the timeline for construction to commence in late 2010 to early 2011 with target completion date being September/October of 2011.

### **11.4.7 CLGF and WORKS PROJECT MANAGEMENT**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 20 August 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

Endorsement of Greenfield Technical Services to manage a range of projects during 2009-2010

#### **BACKGROUND**

With the requirement to spend all Year 1 funds of the CLGF prior to be eligible for Year 2 (2009-2010) funds, and these also to be spent by 30 June 2010 if possible, there is a large list of works to be completed.

#### **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**

Completion of projects and works on time

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

Engineering consultants fees – as part of the project cost

#### **CONSULTATION**

Nigel Goode, Greenfield Technical Services

#### **COMMENT**

There is something in the order of \$3.5 to 4 million in infrastructure works to be spent in Yalgoo during 2009-2010, with much of this work tied to deadlines.

Deadlines exist for –

- all Roads to Recovery projects (2)
- Regional Roads group projects (3)
- new Yalgoo Health Centre (1)
- all Country Local Government Fund Projects (10)

Accordingly, to ensure the timely completion of the jobs it is proposed to utilise the expertise of Greenfield Technical Services to oversee, project manage, call tenders etc for a range of work.

The works include –

- roadworks – calling, coordinating and completion of tenders for –
  - o supply and delivery of aggregate
  - o seal repairs – Ninghan, Morawa, North Roads and town streets
  - o reseal of approx. 70% of town streets
  - o approx. 14 km of reseal on the Yalgoo-Ninghan Road
  - o approx. 3km two coat seal on each of the Yalgoo-Ninghan and Yalgoo-Morawa Roads
- water park – public consultation and design by December 2009, tender documentation and coordination, with construction in early 2010, and target completion by October 2010
- Paynes Find development – public consultation, design, contract and works coordination
- relocation of two units (18A Shamrock and 19A Stanley) to lot 68 Gibbons St
- septic tank installations and leach drains at –
  - o relocated units
  - o remaining units – extension
  - o new Yalgoo Health Centre
  - o town maintenance residence at caravan park

## VOTING REQUIREMENTS

Simple majority

## OFFICER RECOMMENDATION

That use of Greenfield Technical Services be endorsed for project management of tenders, contracts and works, including –

- roadworks – tenders and works
- water park
- Paynes Find development
- relocation of two units (18A Shamrock and 19A Stanley) to lot 68 Gibbons St
- septic tank installations and leach drains at various locations.

**12. NOTICE OF MOTIONS**

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**12.1 PREVIOUS NOTICE RECEIVED**

None

**12.2 FOR CONSIDERATION AT THE FOLOWING MEETING**

**13. URGENT BUSINESS**

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As permitted by resolution of the Meeting

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

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**15. NEXT MEETING**

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The next Ordinary Meeting of Council is due to be held in the Paynes Find Community Centre, on Thursday, 17 September 2009, commencing at 11.00 am.

**16. MEETING CLOSURE**

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