



AGENDA
FOR THE ORDINARY MEETING
OF COUNCIL
TO BE HELD IN
THE COUNCIL CHAMBERS, YALGOO
ON 23 FEBRUARY 2018
COMMENCING 10.00 AM



SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE YALGOO COUNCIL CHAMBERS, YALGOO ON 23 FEBRUARY 2018 COMMENCING AT 10.00 AM.

Silvio Brenzi

Chief Executive Officer



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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, Yalgoo
on 23 February 2018, commencing at 10.00 am.

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF
ABSENCE

APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION

Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 25 January 2018 be confirmed subject to the following corrections;

1. Heading on each page be amended by deletion of Agenda and insertion of Minutes
2. Repot No. 10.3.1 (Page 20) title of the Report be amended by deletion of ' November' and insertion of 'December'.
3. Report 10.3.2 (page 26) Title of the report be amended by the deletion of '30 November' and insertion of "31 December" , and

On (page 27) under the heading "Comments" the date be amended from '30 November' to 31 December. And

On (page 28) "Officers Recommendation" be amended to read "Officers Recommendation / Council Decision: and date to be amended from 30 November to 31 December.

Moved:

Seconded:

Motion put and carried/lost

9. REPORTS OF COMMITTEE MEETINGS

9.0 Audit Committee Meeting held on 14 December 2017

No reports were considered by the Committee. Presiding and Deputy Presiding members were elected.

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

10.0 INFORMATION ITEMS

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

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.1.1 Progress Report on the Capital Works Program 2017-18

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	12 February 2018
Attachments	Nil

Matter for Consideration

To receive the Progress Report on the 2017-2018 Capital Works Program.

Background

The Shire in adopting its 2017-2018 Annual Budget has allocated funds amounting to \$3,213,634 for the purpose of acquiring capital assets and undertaking infrastructure works.

Statutory Environment

Nil

Strategic Implications

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

Policy Implications

Nil

Financial Implications

To deliver the Capital Works Program within the budgeted allocations.

Consultation

Nil

Comment

The Capital Works Projects for the 2017-2018 financial year are detailed be:

CAPITAL WORKS PROGRAMME 2017-18

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

		2017/18 ANNUAL BUDGET	2017/18 JULY- JAN ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<u>By Program</u>					The CEO to provide a verbal update on the status of the capital projects as at 31 January 2018
Governance					
000000-Refurbish Morning Tea /Public Meeting Room	F & E	5,000	0	5,000	Complete – Check Account Allocation
000000- Computus Shelving for Record Management	F & E	4,000	0	4,000	Shelving ordered – costs \$2679.60 Total
000000-Admin Mobile Phones,laptop,Computers,Office Equip.	F & E	5,000	0	5,000	New hard drive ordered to cater for CCTV & replacement of CEO mobile
000000-Council Chamber -Table	F & E	4,000	0	4,000	Matter for Budget Review
000000- Admin Centre - Garden Reticulation	L & B	7,000	0	7,000	Complete – Check Account Allocation
000000- Admin Centre -Records Fit Coolroom Panels to Sea Container	L & B	16,800	0	16,800	50% complete – Two minor variations for door access
000000- Motor Vehicle CEO	P & E	86,030	89,370	(3,340)	Complete
000000- Motor Vehicle CGTS	P & E	66,485	0	66,485	Matter for Budget Review. Lower Km's than expected, Replace 18/19

		2017/18 ANNUAL BUDGET	2017/18 JULY- JAN ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
					The CEO to provide a verbal update on the status of the capital projects as at 31 January 2018
Law Order Public Safety					
000000-CCTV Yalgoo Townsite	F & E	60,248	0	60,248	Complete, still awaiting D.E.C approval at school site
Housing					
000000-Staff Housing - Security	L & B	65,000	0	65,000	
000000-Two Units 17 Shemrock Street	L & B	300,000	0	300,000	
Recreation and Culture					
000000 - Furn. & Equip - Art Centre	F & E	15,430	14,984	446	Complete
000000 - Furn. & Equip - Day Care Centre	F & E	15,596	4,768	10,828	CEO to provide comment at the meeting
000000 - Furn. & Equip - Community Hall	F & E	0	7,936	(7,936)	Complete
000000 - Arts and Crafts Building	L & B	40,488	65,614	(25,126)	Matter for Budget review to complete landscaping
000000-Power Supply Mens Shed and Rifle Club	L & B	19,000	17,246	1,754	CEO to provide comment at the meeting
000000-Payne Find Complex - External Painting	L & B	8,000	0	8,000	Complete
000000-Payne Find Complex - Internal Painting	L & B	4,000	3,800	200	Complete – any remaining funds for new blinds
000000 -Community and Youth Centre CLGF					
2012-13 Unspent - Shade Sails	L & B	44,222	32,064	12,158	Complete – Unspent grant refunded
000000 - Community Hall - Air Conditioner	L & B	10,500	0	10,500	Order placed from quotations
000000-Ride on Mower	P & E	25,000	25,850	(850)	Complete
000000- Community/School Oval Shared Use Development	Recreation	937,000	244,997	692,003	CEO to provide comment at the meeting

		2017/18 ANNUAL BUDGET	2017/18 JULY- JAN ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
Transport					
000000- Machinery Shed Depot	L & B	135,000	12,600	122,400	The CEO to provide a verbal update on the status of the capital projects as at 31 January 2018 Complete – lights to be installed with remaining funds
000000-Flood Control -Fuel Station	L & B	27,300	11,962	15,338	Pumping system purchased, drainage channel quoted & ordered
000000- Depot -Electric Boundary Fence and Gate	L & B	25,000	0	25,000	Project not commenced
000000- Catapillar Wheel Loader 950M	P & E	314,350	315,154	(804)	Complete
000000- Paynes Find Airstrip Fence	Other	45,000	0	45,000	Project not commenced
000000-Solar Lights Paynes Find	Other	12,000	50,581	(38,581)	Complete
000000-Paynes Find Beautification	Other	18,658	224	18,434	Project not commenced allocation to be checked
ROADS TO RECOVERY GRANTS					
000000- Yalgoo/Morawa Road - Widen to 7m	Roads	530,119	13,000	517,119	Quotations received, Quadrio to commence late February-March
RRG SPECIAL GRANT RD WORKS					
000000- Yalgoo/Ninghan Road - Seal to width 4m SLK48.8 to SLK 36.6	Roads	293,500	0	293,500	Quotations received, Quadrio to commence late February-March

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

		2017/18 ANNUAL BUDGET	2017/18 JULY- JAN ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<u>By Program</u>					
Transport					
MUNICIPAL FUND					
000000- North Road - Crossing	Roads	10,000	0	10,000	The CEO to provide a verbal update on the status of the capital projects as at 31 January 2018 Project not commenced
Economic Services					
000000-Caravan Park - Sealing of Parking Bays and Driveways	L & B	22,000	0	22,000	Quadrio to complete with other road projects Yalgoo Morawa & Yalgoo Ninghan Roads
000000 - Storage and POS Facility - Caravan Park	L & B	18,800	18,120	680	Complete
000000- Shelter and Seating Jokker Tunnel	L & B	4,054	0	4,054	Quotes for signage being sought
000000- Shelter and Visitors Board at Railway Station	L & B	4,054	0	4,054	Quotes for signage being sought
Other Property and Services					
000000-Mens Shed Upgrade	L & B	15,000	35,216	(20,216)	Complete
		3,213,634	963,486	2,250,148	

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Progress Report on the Capital Works Program 2017 - 2018

That Council receive the Progress Report on the Capital Works Program 2017 – 2018 as at January 2018.

Moved:

Seconded:

Motion put and carried/lost

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

Nil

11.3 FINANCE

11.3.1 Accounts for Payment January 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	12 February 2018
Attachments	Nil

Matter for Consideration

Council approve the Accounts for Payment list for the period 1 January 2018 to 31 January 2018 as detailed in the report below.

Background

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

Statutory Environment

Local Government Act 1995

6.10 Financial Management regulations

Regulations may provide for –

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

Local Government (Financial Management) Regulations 1996

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

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

Strategic Implications

Nil

Financial Implications

Nil

Consultation

Nil

Comment

The list of accounts paid for the period 1 January 2018 to 31 January 2018 are as follows:

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount \$
Bill Pmt -Cheque	Australian Taxation Office	19/01/2018	Activity Statement Lodgement Late Penalty	420.00
Bill Pmt -Cheque	BOQ Asset Finance & Leasing Pty Ltd	19/01/2018	Copier Leasing	659.00
Bill Pmt -Cheque	Civic Legal	19/01/2018	Native Title Matter Replacement Road Access & Public Benefit Agreement Revocery of Rates from Living Cities Development G Advice on federal Court Class Action Notice Review on Rates Exemption	16,198.05
Bill Pmt -Cheque	Cook's Tours Pty Ltd	19/01/2018	ADVERTISIING AMAZING NORTH 37TH EDITION 1/4 PAGE	590.00
Bill Pmt -Cheque	Courier Australia	19/01/2018	Freight Charges Freight	113.58
Bill Pmt -Cheque	Crowe's Electrical	19/01/2018	74 Weekes Street - Relocate cable & fit new retic	97.17
Bill Pmt -Cheque	Rocke, David	19/01/2018	Clean Community Centre for RFDS clinic, Paynes Find	337.50
Bill Pmt -Cheque	Dominic Carbone & Associates	19/01/2018	Consultancy Service	5,280.00
Bill Pmt -Cheque	REFUEL AUSTRALIA	19/01/2018	December 2017 Fuel Charges	11,795.47
Bill Pmt -Cheque	Geraldton Toyota	19/01/2018	70,000km service 70,000km service YA840: 60,000km service YA778: 70,000km service	2,015.55
Bill Pmt -Cheque	Hallinan Refrigeration & Airconditioning	19/01/2018	service to air cons	7,364.90
Bill Pmt -Cheque	Hill, Judith	19/01/2018	Verification of public notice Ad from Market Force	5.00
Bill Pmt -Cheque	Landgate	19/01/2018	Valuations chargeable Mining Tenements Chargeable	103.85

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount \$
Bill Pmt -Cheque	Marketforce	19/01/2018	Notice Pursuant to Schedule 6.3 Public Notice - Council Meeting Dates 2018 Public Notice - Arts & Cultural Committee	1,010.42
Bill Pmt -Cheque	McIntosh & Son	19/01/2018	YA395: Parts	1,008.66
Bill Pmt -Cheque	Protector Fire Services	19/01/2018	service to fire equipment	374.93
Bill Pmt -Cheque	Pratt, Ray	19/01/2018	correction to GST	21.50
Bill Pmt -Cheque	RSM Bird Cameron	19/01/2018	Final Audit visit for year ended 30 June 2017	21,455.56
Bill Pmt -Cheque	S & H Cranes P/L	19/01/2018	Crane Hire	495.00
Bill Pmt -Cheque	W & E Rowe Contractors	19/01/2018	Dozer work Morawa Road: gravel Stockpiling	7,722.00
Bill Pmt -Cheque	Western Independent Foods	19/01/2018	Caravan Park Units - UHT Milk	16.88
Bill Pmt -Cheque	Atyeo's Environmental Health Services PL	19/01/2018	EHO Duties	3,647.20
Bill Pmt -Cheque	MURRAY RIVER NORTH PTY LTD	19/01/2018	Final Practical Completion: Release of Bank Guarantee	9,196.08
Bill Pmt -Cheque	LGRCEU	19/01/2018	Monthly Payroll Deduction: December 2017	41.00
Bill Pmt -Cheque	HOLCIM	19/01/2018	20mm premix concrete	1,988.01
Bill Pmt -Cheque	BP MECHANICAL MAINTENANCE	19/01/2018	YA465: service & repairs YA395: service & repairs YA465: service & repairs YA807: service & repairs YA1622: service & repairs YA1614: service & repairs YA1643: service & repairs YA1613: service & repairs YA479: service & repairs	3,866.95

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount \$
Bill Pmt -Cheque	MID WEST CONCERT SOUND & LIGHTING	19/01/2018	supply service for event at Yalggo Sports Ground	1,567.50
Bill Pmt -Cheque	SHIRE OF YALGOO	19/01/2018	Monthly Payroll Deduction: December 2017	1,100.00
Bill Pmt -Cheque	FITZ GERALD STRATEGIES	19/01/2018	ESO Recruitment	7,903.16
Bill Pmt -Cheque	SUN CITY BATTERIES	19/01/2018	Yalgoo Town Site Entrance lighting as per quote 01 2 MOWER BATTERIES	12,934.35
Bill Pmt -Cheque	ARTISTRY SIGN MAKERS	19/01/2018	damaged main power pole	2,662.75
Bill Pmt -Cheque	MIDWEST FIRE PROTECTION SERVICES & EYE SPY SECURITY	19/01/2018	SERVICE TO FIRE EQUIPMENT	1,918.95
Bill Pmt -Cheque	Target	23/01/2018	toys for the childrens christmas function toys for the childrens christmas function	2,197.90
Bill Pmt -Cheque	ALTO METALS LIMITED	23/01/2018	TENEMENT DEATH 24.11.17 Rates Refund	215.64
Bill Pmt -Cheque	ACCENT RESOURCES NL	23/01/2018	Tenement Death Rates refund	556.89
Bill Pmt -Cheque	BACOME PTY LTD	23/01/2018	OVER PAYMENT ON RATES	357.93
Bill Pmt -Cheque	AMPAC Debt Recovery (WA) Pty Ltd	24/01/2018	Debt Recovery	7.70
Bill Pmt -Cheque	Australian Taxation Office	24/01/2018	Activity Statement Penalty	420.00

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount \$
Bill Pmt -Cheque	BOC Limited	24/01/2018	Oxygen indust G size Dissolved Acetylene D size Di	105.73
Bill Pmt -Cheque	Bunnings Building Supplies Pty Ltd	24/01/2018	Hortico Mulch Retic Fittings, replacement tools	413.84
Bill Pmt -Cheque	Courier Australia	24/01/2018	Freight Charges: Winc	223.45
Bill Pmt -Cheque	Crowe's Electrical	24/01/2018	Railway Station: Car Charging Point	988.11
Bill Pmt -Cheque	Five Star Business Equipment & Comms	24/01/2018	Copier Reading	328.36
Bill Pmt -Cheque	Geraldton Toyota	24/01/2018	YA805 30,000km Services Ceo vehicle: 10,000km service	897.34
Bill Pmt -Cheque	Linaire Hodge.	24/01/2018	Resource for Australia Day: DVD	24.99
Bill Pmt -Cheque	Marketforce	24/01/2018	Local Gov Tender: Yalgoo Multi Purpose Sports Comp	1,077.96
Bill Pmt -Cheque	Midwest Pest Management	24/01/2018	Pest Management Treatment to Shire Buildings & Sta	3,113.00
Bill Pmt -Cheque	Minjar Gold Pty Ltd	24/01/2018	Tenement Death	411.63
Bill Pmt -Cheque	PaynesFind Road House & Tavern	24/01/2018	Accommodation & Meals: Ray Winfield Accommodation & Meals: Ray Winfield	768.00
Bill Pmt -Cheque	Grinham, Robert	24/01/2018	Travel Allowance: Invitation by Minister to attend	326.73
Bill Pmt -Cheque	S & H Cranes P/L	24/01/2018	Crane Hire	247.50
Bill Pmt -Cheque	St John Ambulance WA	24/01/2018	BATTERY FOR AED HS1, 2 SETS OF PADS	453.00

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount \$
Bill Pmt -Cheque	WINC AUSTRALIA PTY LIMITED	24/01/2018	Office Stationery Supplies Diary (2) Office Stationery Supplies	771.67
Bill Pmt -Cheque	Veolia Environmental Services	24/01/2018	Service Collection Fee	5,007.42
Bill Pmt -Cheque	Westrac Equipment Pty Ltd	24/01/2018	Oil and 5x tiger teeth for Backhoe	2,274.06
Bill Pmt -Cheque	TYREPOWER GERALDTON	24/01/2018	YA805: New Tyres	1,624.07
Bill Pmt -Cheque	PINPOINT CLEANING SOLUTIONS	24/01/2018	Monthly clean of Shire Buildings	2,145.00
Bill Pmt -Cheque	WBS GROUP PTY LTD	24/01/2018	Claim 2: Depot Machinery Shed	53,130.00
Bill Pmt -Cheque	AUS RECORD	24/01/2018	SKU: LSA.5-SET. HALF SIZE: A-Z LABELS FULL SET	39.60
Bill Pmt -Cheque	PATIENCE SANDLANDS	24/01/2018	20m Mulch	1,100.00
TOTAL				\$203,138.49

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Accounts for Payment January 2018

That Council approve the list of accounts paid for the period 1 January 2018 to 31 January 2018 amounting to \$203,138.49 and the list be recorded in the Minutes.

Moved:

Seconded:

Motion put and carried/lost

11.3.2 Investments as at 31 January 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	13 February 2018
Attachments	Nil

Matter for Consideration

That Council receive the Investment Report as at 31 January 2018.

Background

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

Statutory Environment

Local Government Act 1995

6.14. Power to invest

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

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

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

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

- (1) In this regulation —
 - authorised institution** means —
 - (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
 - (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;
 - foreign currency** means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following –
- (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

Strategic Implications

Nil

Consultation

Nil

Comment

The worksheet below details the investments held by the Shire as at 31 January 2018.

SHIRE OF YALGOO INVESTMENTS AS AT 31 January 2018								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N ^o	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
MUNICIPAL FUND								
Note Balance as per Bank Statement								
NAB	N/A	Operating a/c	50-832-4520	Ongoing	N/A	N/A	Variable	\$1,536,231.74
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$41,057.70
NAB	N/A	Term Deposit	89-977-1574	3 month 1 day	28.12.2017	29.03.2018	2.00%	\$62,007.49
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$51,756.79
TOTAL								\$1,691,053.72
RESERVE FUNDS								
NAB	N/A	Term Deposit	97-511-4454	3 months	28.12.2017	28.03.2018	2.00%	\$160,596.11
NAB	N/A	Term Deposit	89-972-5236	3 months	28.12.2017	28.03.2018	2.00%	\$445,788.73
NAB	N/A	Term Deposit	11-186-3992	3 months	28.12.2017	28.03.2018	1.75%	\$1,063,446.55
TOTAL								\$1,669,831.39
TRUST								
NAB	N/A	Trust a/c	50-832-4559	Ongoing	N/A	N/A	Variable	\$21,738.51
TOTAL								\$21,738.51
INVESTMENT REGISTER								
01 JULY 2017 TO 31 January 2018								
NATIONAL AUSTRALIA BANK								
ACCOUNT N ^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.01.2018	INVESTMENT TRANSFERS	CLOSING BALANCE 31.01.2018		
86-538-7363	Ongoing	Variable	\$40,929.28	\$128.42	0	\$41,057.70		
89-977-1574	29.03.2018	2.00%	\$61,392.89	\$614.60	0	\$62,007.49		
24-831-4222	Ongoing	Variable	\$51,594.90	\$161.89	0	\$51,756.79		
97-511-4454	28.03.2018	2.00%	\$158,650.69	\$1,945.42	0	\$160,596.11		
89-972-5236	28.03.2018	2.00%	\$440,410.14	\$5,378.59	0	\$445,788.73		
11-186-3992	28.03.2018	1.75%	\$1,050,564.24	\$12,882.31	0	\$1,063,446.55		

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Investments as at 31 January 2018

That the Investment Report as at 31 January 2018 be received.

Moved:

Seconded:

Motion put and carried/lost

11.3.3 Financial Activity Statement for the Period ended the 31 December 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	13 February 2018
Attachments (Green Cover) Pages 1 - 37	<ul style="list-style-type: none"> • Statement of Comprehensive Income ending the 31 December 2018; • Financial Activity Statement; ending 31 December 2017 • Summary of Current Assets and Current Liabilities as of 31 December 2017; • Statement of Current Financial Position as at 31 December 2017; • Detailed worksheets; • Other Supplementary Financial Reports: <ul style="list-style-type: none"> ○ Reserve Funds; ○ Loan Funds; ○ Trust Fund

Matter for Consideration

Adoption of the Monthly Financial Statements.

Background

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

Statutory Environment

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

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

Strategic Implications

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

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

Policy Implications

2.4 Material Variance

Financial Implications

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

Consultation

Nil

Comment

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

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

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

R34 (1) Financial Activity Statement for the Period ended the 31 December 2017.

That Council:

Adopts the Financial Activity Statement for the period ended 31 December 2017.

Moved:

Seconded:

Motion put and carried/lost

11.3.4 Financial Activity Statement for the Period ended the 31 January 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	13 February 2018
Attachments (Green Cover) Pages 1 - 37	<ul style="list-style-type: none"> • Statement of Comprehensive Income ending the 31 January 2018 • Financial Activity Statement; ending 1 January 2018 • Summary of Current Assets and Current Liabilities as of 31 January 2018; • Statement of Current Financial Position as at 31 January 2018; • Detailed worksheets; • Other Supplementary Financial Reports: <ul style="list-style-type: none"> ○ Reserve Funds; ○ Loan Funds; ○ Trust Fund

Matter for Consideration

Adoption of the Monthly Financial Statements.

Background

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

Statutory Environment

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

- (2) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

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

Strategic Implications

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

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

Policy Implications

2.4 Material Variance

Financial Implications

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

Consultation

Nil

Comment

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

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

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

R34 (1) Financial Activity Statement for the Period ended the 31 January 2018

That Council:

Adopts the Financial Activity Statement for the period ended 31 January 2018.

Moved:

Seconded:

Motion put and carried/lost

11.4 ADMINISTRATION

11.4.1 Report on Matters Outstanding as at 13 February 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	13 February 2018
Attachments	Nil

Matter for Consideration

That Council note the report on outstanding matters.

Background

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

Statutory Environment

Nil

Business Implications

Nil

Consultation

Nil

Comment

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

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
18 Aug 16	Establishment of an Emergency Services Training Centre in Yalgoo.	That Council engage the services of a suitable consultant to undertake a review of the Business Case for the construction of a Volunteer Emergency Services Training and Operations Centre/VESTOC in Yalgoo	CEO is about to set a timeframe for an architect to come out to Yalgoo. Architect has supplied 1 quote obtaining another.
31 Mar 17	Under-taking a Review of the Shire of Yalgoo Policies	That the CEO under-take a review of the Shire Policies over the next three months	Currently under review. Report for Consideration on this Agenda.
28 July 2017	Review of Local Laws	Council authorised the CEO to implement a review of Local Laws	Currently under review
25 Aug 2017	Termination of Centacare Playgroup Programme	Council to continue to provide the service for a period up to 6 months and a further report to be presented to Council in relation to the ongoing delivery of the Playgroup Programme and its funding.	Report for consideration on this Agenda.

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
27 Oct 2017	Application for a prospecting licence	Council authorises the CEO to locate a suitable prospecting area close to the Yalgoo townsite and make application to the Mining Registrar for registration under section 19 of the Mining Act.	Letter was sent on the 17 November 2017. Awaiting a response from the Mining Registrar.
25 January 2018	Lot 4317 Goodingnow Road Paynes Find – Install a Telstra Mobile Phone base station facility	<p>That Council Approve the application for development dated 8 December 2017 for the installation of the Telecommunications tower and supporting infrastructure located at Lot 4317 Goodingnow Road, Paynes Find WA 6612, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plans; 2. Any variations from the above shall require additional approval to be received from Council; 3. The development approved is to be substantially commenced within a period of 2 years after the date of determination. Should development not substantially commence before the expiration, approval would no longer apply and additional approvals will be required; 4. This approval does not constitute a building permit. A building permit is to be obtained prior to the commencement of any building works; and <p>Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.</p>	The applicant advised of Council decision

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
25 January 2018	Proposed Amendment No.2 to Local Planning Scheme No.2	<p>That Council Pursuant to Section 75 of the Planning and Development Act 2005 (as amended), resolve to adopt Scheme Amendment No.2 to Town Planning Scheme No.2 for the purpose of advertising:</p> <p>by:</p> <ol style="list-style-type: none"> 1. Reclassify Lot 65 (No. 42) Gibbons Street and Lot 66 (No.44) Gibbons Street, Yalgoo from ‘Public Purposes’ to ‘Residential (R10)’ as indicated on the Scheme Amendment Map. 2. Forward Scheme Amendment No.1 to: <ol style="list-style-type: none"> a. The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the <i>Planning and Development Act 2005</i>. b. The Western Australian Planning Commission for information. 3. As per Regulation 47 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>, subject to no objections being received from the EPA, advertise the amendment for public comment for a period of 42 days to the satisfaction of the Chief Executive Officer. 	Consultant Planner Urbis have been instructed to action part 2 & 3 of the resolution

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Matters Outstanding as at 13 February 2018

That Council:

receives Report N^o 10.4.1 Report on Matters Outstanding as at 13 February 2018.

Moved:

Seconded:

Motion put and carried/lost

11.4.2 Report on Minutes of Electors Meeting 23 February 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	13 February 2018
Attachments	Nil

Report to be finalised once the Electors meeting is held 23 February 2018

Matter for Consideration

To receive the minutes of the Electors Meeting and give consideration to all decisions made at the Elector’s Meeting.

Background

Council at its Ordinary Council Meeting held on 25 January 2018 resolved in part that the Annual Electors Meeting to be held at Yalgoo at 9.00 am on Friday 23 February 2018.

Statutory Environment

Local Government Act 1995

5.33. Decisions made at electors’ meetings

- (1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable –
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,

Whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Financials Implications

Nil

Business Implications

Nil

Consultation

Nil

Comment

No decisions were made at the meeting

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Minutes of Electors Meeting 23 February 2018

That Council:

Receive the Minutes of the Electors Meeting held at Yalgoo on 23 February 2018.

Moved:

Seconded:

Motion put and carried/lost

11.4.3 Banners in the Terrace 2018

Author:	Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	08 February 2018
Attachments	Previous Entry's

Matter for Consideration

That Council consider the options for submitting an entry for 'Banners in the Terrace' for 2018.

Background

Each year during WALGA week in Perth, the City of Perth supports local governments in permitting a competition known as 'Banners in the Terrace'. This includes local governments from Western Australia to enter artistic designs that represent their community in different ways.

Different categories are available to be selected and the Shire of Yalgoo has submitted and entry for the last 6 years. To date we have not been successful in winning a category but have received many commendation's for the submission.

Statutory Environment

Nil

Financial Implications

Costs are covered from a dedicated account E132031 with an allocation of \$3,500.00.

This covers materials, postage and other associated costs of the project.

Consultation

Community Development Officer
Shire President. Cr Joanne Kanny

Comment

The annual Banners in the Terrace competition is a highlight of the WA Local Government Convention, with the colourful entries being displayed along St Georges Terrace and Adelaide Terrace.

As one of the State's largest single community arts projects, this event is widely acknowledged as being one of the most colourful and vibrant displays throughout the year, and the ongoing support provided by the City of Perth is appreciated for this very popular and special exhibition.

There are only 60 poles available in 2018, therefore the below planning timeline below should be followed to increase the opportunity for having an entry accepted.

2018 Entry Schedule

Entry reservation form submission:	Thursday, 22 March
Banner design emailed to the City of Perth	Friday, 27 April
Banner delivery to WALGA:	Friday, 20 June
Display in the Terraces:	Sunday, 22 July – Saturday, 4 August
Announcement of Winners:	Thursday, 2 August at the Convention

Below is the list of categories that are available to submit an entry into. It would be anticipated that the selected category be communicated to shire residents for their involvement and consultation in content and form. This community involvement would be enhanced with the ongoing support through the process by elected members.

1. Junior Primary School
2. Upper Primary School
3. Secondary School
4. Community Group
5. Professional / Digital

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Banners in the Terrace

That Council:

Nominates category..... for this year’s entry into Banners in the Terrace Competition.

Moved:

Seconded:

Motion put and carried/lost

11.4.4 Centacare Playgroup Programme

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	13 February 2018
Attachments	Memorandum of Understanding Job Description - Centacare

Matter for Consideration

That Council give consideration as to whether to continue to provide a Playgroup Programme previously provided by Centacare.

Background

Council at its Ordinary Meeting held on 25 August 2017 adopted the following resolution;

“ That Council

1. Continue to provide the Playgroup Programme for a period of up to 6 months and engage the services of the current programme co-ordinated for the purpose
2. A further report be presented to Council in relation to the ongoing delivery of the Playgroup Programme and its funding”

The Centacare Playgroup Programme was terminated on the 1 September 2017 by the Centacare Family Services and since then the service has been provided by the Shire in house.

Previously the Shire sponsored the service provided by Centacare by making an annual contribution of \$32,400 per annum plus provision of another vehicle on a shared basis and internal support.

A Sum of \$100,000 has been allocated in the 2017-18 Annual Budget to fund the service.

Statutory Environment

Nil

Financial Implications

Additional funds to be provided by the Shire to continue the service.

Consultation

Nil

Comment

A Memorandum of understanding (MOU) was entered between Centacare Geraldton and the Shire of Yalgoo 27 February 2013. The main components of the MOU are summarised below.

1. The Shire to make an annual cash contribution to Centacare.
2. Subject to (1) above the contribution shall compose of 60% of the Community Benefit component made to the Shire by MMG Golden Grove (MMG) amounting to \$32,400 (60% of \$54,000)
3. The Shire to provide the following in-kind contributions
 - Office space, consumables and utilities at the Shire Hall.
 - Vehicle maintenance and operations

- Accommodation for Centacare Staff
 - Use of Shire facilities such as the Shire Hall and Community Bus
 - Contribution to activity expenses such as excursion costs, entry fees etc.
4. Centacare to source funding from a range of government bodies and agencies.
 5. Centacare to employ suitable person/s to co-ordinate the programme and complementary activities.
 6. Centacare to provide professional and technical support services
 7. Centacare to provide a monthly summary report of outcomes of the Centacare project.

The annual estimated revenue and expenses of providing the service is detailed below.

Description	Annual Estimate	Actual To Date
Expenses	\$	
Salary	\$69,200	\$36,123
Superannuation	\$6,574	\$3,045
Insurance	\$1000	0
Utility Cost	\$500	0
Motor Vehicle expenses	\$500	0
Activities and Out of Pocket Expenses	\$500	0
Community Bus Expenses	\$700	0

TOTAL ESTIMATED COST PER ANNUM	\$87,974	\$39,168
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Revenue	\$	Actual To Date
Community Benefit fund	\$32,400	\$32,400

ESTIMATED ANNUAL SHORTFALL	\$55,574	6,768
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In order to offset the above mentioned short fall the Shire has engaged the services of Grants Empire to prepare a funding application / proposal. Grants Empire have informed the Shire that it's currently preparing the funding application and plans to lodge it with the funding provider by the end of the month. A copy of the Co-ordinators job description prepared by Centacare is attached for elected members information, this job description to be amended accordingly to meet the Shire's requirements in due course.

It is recommended that Council give consideration to continue to provide it's children and schooling program on the basis that a funding application is currently being prepared and that \$100,00 allocated in the 2017-18 Annual Budget is sufficient to meet the costs beyond the end of this financial year.

It's proposed that a further report be presented to Council in relation to the ongoing delivery of the program and it's funding once the outcome of the Shire's funding application is known.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Centacare Playgroup Programme

That Council:

- 1. Continue to provide the children and schooling program up to the end of the financial year or once the outcome of the funding application is known.**
- 2. A further report be presented to Council in relation to the ongoing delivery of the program.**

Moved:

Seconded:

Motion put and carried/lost

11.4.5 Approval for a Proposed WA Police Communications Facility at Wurarga

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	16 February 2018
Attachments	Nil

Matter for Consideration

That Council grant planning approval for the proposed WA Police Communication Facility at Wurarga.

Background

The Department of Planning, lands and Heritage reserved the land within Lot 368 on Plan 43526 (Reserve 53130) for the purpose of a “Communication Facility”, reserved under a management order of the Minister for Police. This was finalised on the 15 January 2018.

Statutory Environment

Local Planning Scheme No2

Clause 10.3 Determination of Applications

In determining an application for planning approval the Local Government may –

- A) Grant its approval with or without conditions or
- B) Refuse to grant its approval

Consultation

Mr Adam Wood Planning Consultant URBIS

Comment

A request has been received from the WA Police via Inspector Tim Zappa from the Communications Infrastructure Program Office, for Council planning approval for the proposed Communications facility at Wurarga.

The WA Police wish to increase police voice radio coverage along the Geraldton/Mt Magnet Road and in so doing require additional repeater and link tower sites spaced along and adjoint to the road. The Police intend to use existing Telco Communications, sites along the road but require one at Wurarga where there isn't one. The WA Police intend to install a .60 meter tower, micro-ware dished and antennae, comms hut and equipment and solar power ray on their site.

The matter was referred to the Shire's Consultant Planner URBIS for advice. URBIS advice is as follows.

“The Land is not zoned under the Shire of Yalgoo Local Planning Scheme N02.

As the site is unzoned within the Shire of Yalgoo Local Government Area, the following process is recommended to the Council:

1. The application is able to be dealt with as a discretionary approval under the general provisions of the Shire – Under Clause 11.3 of LPS 2, the CEO is able to determine an application pursuant to Clause 10.3 of the Scheme. This would expedite the process for WA Police (WAPol) in acquiring Planning Approval. *This is the recommended option.*
2. Alternatively an application could be lodged to Council for its full determination.
3. Given that the land is un-zoned, it is recommended that the portion of land which has been reserved be re-zoned via a Scheme Amendment to ensure the Scheme reflects the reservation. This process is able to be progressed in parallel to the application assessment (but doesn't hole up approval). *This is recommended to be undertaken by WAPol.*

It should be noted that we also investigated the potential for the development to be considered ‘Public Works’ which would mean the works would be exempt from requiring planning approval. Notwithstanding, the proposed works did not constitute being defined as such and therefore, as a result, planning approval is required to be sought.

Upon receipt of development consent the acquisition of a building permit would still apply:

- Under part 10, section 124 of the *Building Act 2011* The State is also considered to be a Permit Authority capable of issuing their own building permit. A copy of the issued permit should be provided to the local government for information and record purposes.
- Notwithstanding under section 124 (3) – the Minister must inform each local government affected by a decision under subsection 2(a) of the effect of the decision in relation to the local government. That is, if the Minister does not wish for the State to be the permit authority for this development, they must notify the Shire of such decision.
- As a result under Section 6(3) of the *Building Act 2011* – Should the State not wish to be issuing authority and have notified the local government of such, the permit authority for the building or incidental structure is, or is proposed to be located.

In consideration of the above points and in summary, it would be recommended that the CEO of the Shire of Yalgoo consider determining the application for a WAPol Communications Facility under Delegated Authority. Additionally it is recommended that the WA Police simultaneously commence an application for the re-zoning of the allocated reserve via a Scheme Amendment.

Following the approval of the development order, the State is able to issue their own Building Permit at their choosing, or alternatively can seek to lodge a building application through the Shire.

Whilst the Consultant Planner states that the CEO of the Shire of Yalgoo can determine the application for the communication facility, it is considered more appropriate that the matter be considered by the Council.

Council is requested to give consideration to the following;

1. Grant planning approval for the proposed WA Police Communication facility at Wurarga on land vested to the minister for Police being lot 368 on plan 43526 (reserve 53130) for the purpose of a “communication Facility”
2. The WA Police be advised to commence an application for the re-zoning of the allocated reserve via a Scheme Amendment in order to ensure that the Planning Scheme No.2 reflects on reservation.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Approval for a Proposed WA Police Communications Facility at Wurarga

That Council:

1. Grant planning approval for the proposed WA Police Communication Facility at Wurarga on land vested to the minister for Police, being lot 368 on plan 43526 (Reserve 53130) for the purpose of a “Communication Facility”
2. Advise WA Police to commence an application for the rezoning of the allocated reserve via a Scheme Amendment in order to ensure that the Shire of Yalgoo local planning scheme No2 reflects the reservation.

Moved:

Seconded:

Motion put and carried/lost

11.4.6 Review of the Shires Administrative Policies

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	16 February 2018
Attachments	Current Shire Policies 10.1 to 10.4

Matter for Consideration

That Council give consideration to adopting the changes to the policies as detailed in the report from the consultant and adopt a Bullying Policy.

Background

Council at its Ordinary Meeting held on 31 March 2017 adopted the following resolution.

“ That the CEO undertake a review of the Shire’s Policies over the next three months”

Statutory Environment

Policy Manual

Review of Policies

There is no required timetable for the policy review, however; it is suggested that it should be done regularly to ensure that policies are relevant , current and understood.

To maintain the Policy Manual up to date, it should be reviewed at least once a year, and a report made to Council on matters needing amendments or inclusion .

Consultation

Mr Sean Fletcher. Consultant

Comment

The Consultant has undertaken a review of some of the Shire’s Policies, which are detailed below, together with comments and recommendations.

Policy No	Title	Statutory Ref	Comment	Recommendation
10.1	Occupational Safety and Health	<i>Occupational Safety & Health (OSH) Act 1984</i> <i>OSH Regulations 1996</i>	No changes required	1. No change required
10.2	Policy Schedule 10.2 - Employee Health and Safety	<i>Occupational Safety & Health (OSH) Act 1984</i> <i>OSH Regulations 1996</i> <i>AS/NZS 4801-2001</i> <i>AS/NZS ISO 31000, 2009 and Codes of Practice</i>	<p>Key Changes Required</p> <p>It would be appropriate to replace the first part of Policy Schedule 10.2 with a statement that is more modern regarding the responsibilities of the employer and employee and captures the intent of the appropriate legislation and codes of practice:</p> <p>This policy outlines the Shire of Yalgoo’s commitment to continuously improve the occupational safety and health standards within the workplace, to continuously improve the occupational safety and health management systems and to reduce hazards and subsequent incidents in the workplace.</p> <p>The Shire of Yalgoo is committed to managing occupational safety and health, including the development and implementation of an Occupational Safety and Health Management system that complies with or exceeds legislative requirements</p> <p>The Policy of the Shire of Yalgoo is to ensure that every employee works in an environment where every effort is made to prevent accidents, injury and disruption to employees’ health from foreseeable work hazards.</p> <p>The employer acknowledges a duty of care to:</p> <ul style="list-style-type: none"> • Provide and maintaining a safe working environment. • Providing adequate training, instruction and supervision to enable employees to perform their work safely and effectively. • Investigating all actual and potentially injurious occurrences in order to identify and control the cause to reduce the level of risk in the workplace • Comply with AS/NZS 4801-2001 Occupational Health and Safety Management Systems audit requirements. • Compliance with current Occupational Safety and Health Act 1984, and 	<ol style="list-style-type: none"> 1. That Policy Schedule 10.2 is updated to reflect the comments regarding a more modern approach to OSH. 2. That the broader definition of what an employee is included in the policy statement i.e. volunteer worker, consultant and contractor. 3. A copy of the proposed revised policy is attached to this advisory note.

the Occupational Safety and Health Regulations 1996, relevant Australian Standards including AS/NZS ISO 31000, 2009 and relevant Approved Codes of Practice

- Engage and consult stakeholders and representatives in matters regarding occupational safety and health in the workplace.

Employees have a duty of care to

- Working with care for their own safety and that of other employees, contractors, volunteers and public who may be affected by their acts or omissions;
- Reporting hazards, accidents, incidents and near misses to their Line Manager;
- Co-operating positively in the fulfilment of the obligations placed on their employer;
- Assisting in the reporting and investigation of any accidents with the objective of introducing and reviewing controls to prevent re-occurrence.

A safe and efficient place of work is our goal, and we must all be committed by working together to reach this outcome.

This statement recognises ongoing improvement and prevents certain statements in the current policy becoming irrelevant.

It would be prudent to include in the policy statement the definition of an employee similar to that to be included in Policy 1.1 Code of Conduct i.e. employee to include volunteers, consultants and contractors.

The Safety Guidelines to Contractors should be updated to reflect the need to provide further clarification regarding the need to keep the safety checklist and safety agreement. Contractors also are responsible for their own PPE that meets the Shire's requirements.

Civic Legal Advice

The inclusion of updated comments regarding drugs and alcohol is appropriate.

<p>10.3</p>	<p>Policy Schedule 10.3 – Sexual Harassment</p>	<p><i>Equal Opportunity Act 1984</i></p> <p><i>Sex Discrimination Act 1984</i></p> <p><i>Fair Work Act 2009</i></p> <p><i>Equal Opportunity Act 1984</i></p>	<p>In the main the current version of this policy is in line with the legislated requirements.</p> <p>However, it may be of benefit to include a statement along the following lines:</p> <ul style="list-style-type: none"> Other acts or behaviours that may amount to an offence of sexual assault under relevant criminal legislation. <p>Many organisations have inserted this clause into their policies. Example (b): Subtle or explicit demands for sexual activities or molestation may cover this matter.</p>	<p>1. Inclusion in the third paragraph the example: f. Other acts or behaviours that may amount to an offence of sexual assault under relevant criminal legislation.</p>
<p>10.4</p>	<p>Fitness for Work Policy Schedule 10.4(a)</p>	<p><i>Occupational Safety & Health (OSH) Act 1984</i></p> <p><i>OSH Regulations 1996</i></p> <p><i>Fair Work Act 2009</i></p>	<p>Comments provided in Advisory Note 1</p>	<p>1. As per Advisory Note 1</p>
<p>10.5</p>	<p>New Policy 10.5 - Bullying</p> <p>New Policy Schedule 10.5 Bullying</p>	<p><i>Occupational Safety & Health (OSH) Act 1984</i></p> <p><i>OSH Regulations 1996</i></p> <p><i>Workers' Compensation</i></p>	<p>The Shire has requested a new policy regarding bullying to help address a gap recently identified as a result of the recent Work Safe Inspection.</p> <p>The proposed policy is based on the document: “Dealing with Workplace Bullying – A Worker’s Guide” developed by Safe Work Australia (May 2016) in conjunction with Work Safe WA and the other equivalent safety instrumentalities in each Australian state and territory.</p>	<p>1. That the Shire adopts the new Bullying Policy 10.5 as attached to this Advisory Note</p>

<p><i>and Injury Management Act 1981</i></p> <p><i>Equal Opportunity Act 1984</i></p> <p><i>Fair Work Act 2009</i></p> <p><i>Industrial Relations Act 1979</i></p>	<p>In particular the matters addressed in the policy include:</p> <ol style="list-style-type: none"> 1. What is workplace bullying? 2. Relevant legislation. 3. What is not workplace bullying? This includes comments regarding what is reasonable management action and where unlawful discrimination and sexual harassment are separate matters. 4. How can workplace bullying occur? 5. The impact of workplace bullying. 6. How to deal with bullying.
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Legend

LGA 1995 = *Local Government Act 1995*

LG(A)R 1996 = *Local Government (Administration) Regulations 1996*

LG(RoC)R 2007 = *Local Government (Rules of Conduct) Regulations 2007*

AS/NZS 4801-2001 = *Australian New Zealand 4801-2001 Occupational Health and Safety Management Systems – Audit Requirements*

Advisory Note Prepared By:

Sean Fletcher
Principal Consultant

Strategic Teams

11/09/18

A copy of the current policies being reviewed are attached for elected members information.

A new policy has been prepared for Council consideration as detailed below

10.5 Bullying Policy

Introduction	Workplace bullying can adversely affect the psychological and physical health of a person. Workplace bullying is a psychological hazard that has the potential to harm a person, and it also creates a psychological risk as there is a possibility that a person may be harmed if exposed to it. If effective control measures are put in place to address and resolve workplace issues early, a workplace can minimise the risk of workplace bullying and prevent it from becoming acceptable behaviour in the workplace	
Objective	To help determine if workplace bullying is occurring and how to prevent and deal with it	
History	Adopted	20 February 2018
	Former Policy	N/A
	Amended / confirmed	N/A

Policy Statement

The following Policy Schedule 10.5 – Bullying Policy is adopted and forms part of this Statement.

– End of Policy

COMMENT

Everyone at the workplace has a work health and safety duty and can help to prevent workplace bullying. Under OSH laws, while at work, workers must take reasonable care that their behaviour does not adversely affect the health and safety of other persons. Workers must also comply, so far as is reasonably practicable, with any reasonable instruction given by the person conducting the business or undertaking (PCBU) and co-operate with reasonable policies and procedures of the PCBU that the worker has been notified of, such as a workplace bullying policy.

Workplace bullying may breach the following laws:

- *Occupational Health and Safety Act 1984 (the OSH Act);*
- *Workers’ Compensation and Injury Management Act 1981;*
- *Equal Opportunity Act 1984 (WA);*
- *Fair Work Act 2009 (Cth);*
- *Industrial Relations Act 1979 (WA).*

This policy is based on the above legislation and the “Dealing with Workplace Bullying – A Worker’s Guide” developed by Safe Work Australia (May 2016) in conjunction with WorkSafe WA and the other equivalent safety instrumentalities in each Australian state and territory. **The CEO will make this document available to all employees.**

Policy Schedule 10.5 – Bullying Policy

1. What is workplace bullying?

Workplace bullying can be described as repeated and unreasonable or inappropriate behaviour directed at a worker, or group of workers, that creates a risk to health and safety.

For employees, there is no one piece of legislation prohibiting workplace bullying. Rather, the nature of the bullying behaviour and the effect it has on the employee will determine which law might have been breached and the best course of action to take. For example, workplace bullying may breach the following laws:

- *Occupational Health and Safety Act 1984 (the OSH Act);*
- *Workers' Compensation and Injury Management Act 1981;*
- *Equal Opportunity Act 1984 (WA);*
- *Fair Work Act 2009 (Cth);*
- *Industrial Relations Act 1979 (WA).*

1.1 Repeated behaviour

Generally, the bullying must be persistent for it to be considered 'repeated behaviour'. It does not matter what form the bullying takes as long as the employee can establish a pattern of bullying.

However, this does not mean that a single incident of workplace bullying should be ignored. The Shire has an obligation to ensure the health, safety and welfare of employees and any other person at the workplace. Employees should report all cases of workplace bullying to their employer.

Physical and sexual assault are criminal matters and should be referred to the police as soon as possible.

1.2 Unreasonable or inappropriate behaviour

There is no specific definition of 'unreasonable or inappropriate behaviour'. The behaviour which is not allowed is behaviour that a reasonable person, looking at all the circumstances, would consider unwarranted. Some examples of bullying behaviour are given in Section 2.

1.3 Risk to health and safety

Bullying has a negative effect on the health and safety of employees and others at the workplace. This presents a hazard in the workplace and is unlawful under the OSH Act.

Under the OSH Act, an employer has a duty to provide and maintain a working environment in which employees are not exposed to hazards. Large penalties may be issued against employers who fail to observe the provisions of the OSH Act. Employees also have obligations under the OSH Act to work in a safe manner and not to endanger themselves or others.

2. Some examples of workplace bullying

Workplace bullying can be verbal abuse or physical violence, but it may also take more subtle forms, such as via emails or telephone text messages. It can be carried out by an individual or by a group. For example, group bullying can occur where a number of workers together carry out bullying behaviour against a manager or supervisor.

Workplace bullying can occur between workers and other workers, managers, supervisors, customers or clients, students, volunteers, contractors or visitors.

Obvious examples of workplace bullying include:

- abusive, insulting or offensive language;
- actual or threatened physical attacks;
- language or behaviour that causes fear or humiliation or which demeans another person;
- teasing or frequently making someone the target of practical jokes;
- constant and unjustified threats of dismissal;
- inappropriate remarks about a person’s lifestyle or family; or
- interfering with a person’s belongings or work equipment.

Sometimes the bullying is not so obvious. However the following behaviour can also be workplace bullying:

- withholding information or isolating a person in a way that prevents them from fulfilling their work duties;
- unreasonably overloading a person with work;
- making a person do work that is unrelated to their job or beyond their skill level; or
- treating a person unfairly in relation to their entitlements, such as leave or reasonable training.

3. What is NOT workplace bullying?

Not all conduct in the workplace will amount to bullying. It is important to remember that an employer is allowed to direct and control the manner in which employees complete their work, so long as it is reasonable. For example, if the employer gives an employee feedback about work performance, it should be assessed objectively and it should be communicated appropriately.

Examples of behaviour that, if carried out reasonably, is not bullying include:

- setting reasonable work standards and deadlines;
- performance management processes;
- allocating work to a specific employee;
- not selecting an employee for promotion;
- constructive professional feedback;
- transferring an employee, where reasonable;
- informing an employee about substandard work performance;
- warning an employee about inappropriate behaviour; or
- implementing organisational changes.

Unreasonable behaviour may involve unlawful discrimination or sexual harassment which in isolation is not bullying. The matters regarding sexual harassment are dealt with further under policy 10.3. Discrimination on the basis of a protected trait in employment may be unlawful under antidiscrimination, equal employment opportunity, workplace relations and human rights laws.

Differences of opinion and disagreements are generally not workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases, conflict that is not managed may escalate to the point where it becomes workplace bullying.

4. What are the effects of bullying?

Individual reactions to bullying may vary, but potential health effects of bullying include:

- distress, anxiety, panic attacks or sleep disturbance;
- physical illness, for example muscular tension, headaches, fatigue and digestive problems;
- reduced work performance, concentration and decision making ability;
- loss of self-esteem and self-confidence;

- feelings of isolation;
- deteriorating relationships with colleagues, family and friends;
- depression, and
- thoughts of suicide.

Complaints/Grievance Procedure

Step 1: Diarise all incidents of workplace bullying

WorkSafe – the WA government authority that handles workplace health and safety – will usually only investigate allegations of workplace bullying if written records have been kept.

Although it may have been an upsetting experience, it is a good idea for an employee to keep detailed written notes if they have experience workplace bullying. Keeping a written record can help to show that the bullying behaviour took place, and that it was repeated.

Specifically, the employee should note:

- the date of the conversation or incident of bullying;
- what time the incident took place;
- who was involved;
- what happened – what the dispute was about; and
- what was said – the actual conversation.

Step 2: Verbally notify the bully and your employer about their inappropriate conduct

Once a written record of the bullying incident has been made, the employee should tell the bully that their conduct is inappropriate and must stop. This is an important step because, sometimes, the bully may not realise that their behaviour is offensive.

If the bully is a co-worker (rather than the employer) the employee should also notify their employer of the bullying behaviour. The employee should then wait to see if the employer takes steps to address the problem. If the bullying stops, there may not need to be any further action.

The employee should also make written records about these conversations.

Step 3: Notify the shire in writing about the workplace bullying

If the bullying continues or if your employer does not take any steps in response to resolve the complaint, the employee should notify the employer about the bullying in writing. Your written records will help demonstrate specific incidents, rather than merely alleging general bullying conduct. Your letter should also make specific references to any verbal conversations you had with the bully directly to try and resolve the problem.

Notifying the employer in writing will be written proof of the employee's attempts to resolve the dispute. The employee should keep copies of all correspondence. It is important that an employee keep dated copies of all correspondence which they send and receive. If the bullying cannot be resolved through discussions, the correspondence will be useful to give other parties a summary of what happened. It also demonstrates the employee's efforts to resolve the problem and will assist them if they decide to pursue further action against the Shire.

Step 4: If attempts at negotiation fail, an employee can get further advice about other legal options

A few of the more common legal options and protections an employee might have are mentioned as follows:

Bullying under the Equal Opportunity Act 1984 (WA)

If the nature of the bullying or inappropriate behaviour involves discrimination on one or more of the following grounds, an employee might be able to make a discrimination claim against your employer:

- sex, marital status or pregnancy;
- gender history;
- family responsibility or family status;
- sexual orientation;
- race;
- religious or political conviction;
- impairment; or
- age.

The Equal Opportunity Commission of Western Australia (EOC) handles claims of discrimination based on these grounds. A claim for discrimination with the EOC can only be made on one of the grounds listed above.

Workers' compensation

Workers' compensation protects injured workers by providing for loss of earning capacity, payment of medical expenses and vocational rehabilitation to assist employees to remain in or return to work. Anxiety or stress as a result of workplace bullying can sometimes be considered an illness or injury for the purposes of workers' compensation claims.

Forced resignation: "constructive dismissal"

There are some legal claims that an employee can only make if they have been dismissed from employment. Usually if an employee resigns, they will not be eligible to bring a claim which requires them to have been dismissed.

But sometimes, the employer's actions might leave an employee feeling like they have no other choice but to resign. In these situations, it is likely a court will say that a forced resignation was a dismissal which means that the employee will be eligible to make those claims. In these situations, the resignation is called a "constructive dismissal". In some cases, workplace bullying can make an employee feel like you have no other choice but to resign. It is strongly suggested that the employee seeks legal advice in this instance.

– End of Schedule

Council is requested to give consideration to the comments and recommendations made by the consultant and the reviewed policies be amended accordingly. Council is also required to give consideration to adopting Policy No. 10.5 Bullying Policy with or without amendment.

It is proposed that policies be reviewed in groups and presented to council for consideration over the coming months.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Review of the Shires Administrative Policies

That Council

1. Approve the changes to the Following Policies as detailed in the report:

10.2 - Employee Health and Safety

10.3 - Sexual Harassment

10.4 - Fitness to Work

And the policies be amended accordingly

2. Adopt Policy No. 10.5 Bullying Policy as Detailed in the Report.

Moved:

Seconded:

Motion put and carried/lost

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

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

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

Local Government Act 1995

s5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government’s property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;

- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971 ; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

s5.92 Access to information by council, committee members

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

s5.93. Improper use of information

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

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

Local Government (Rules of Conduct) Regulations 2007

s6. Use of information

- (1) In this regulation —
- closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
- confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
- non-confidential document means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
- (a) information that the council member derived from a confidential document; or
 - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
- (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers Shire of Yalgoo 23 March 2018 commencing at 11.00 am.

16. MEETING CLOSURE

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