



AGENDA
FOR THE ORDINARY MEETING
OF COUNCIL
TO BE HELD IN
THE COUNCIL CHAMBERS, YALGOO
ON FRIDAY, 26 OCTOBER 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 FRIDAY 26 OCTOBER 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 Community Centre, Yalgoo
On Friday 26 October 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.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE AT THE ORDINARY COUNCIL MEETING DATED 26 SEPTEMBER 2018

4.1.1 Neil Grinham’s question directed to President Cr Joanne Kanny

Q. at the Ordinary Council Meeting held on the 31-08-18 under Item 11.3 Finance there was 5 items deferred to a Special Meeting to be held on the 14-09-2018.

Could you please give a explanation as to why these Items were deferred?

A. Shire President Cr Joanne Kanny advises that the reports related to the Adoption of the 2018-19 Annual Budget. Before an Annual Budget is adopted Ministerial approval is required as the Shire imposes differential rates which are more than twice the lowest rate in the dollar for the UV Exploration/Prospecting and Mining/Mining Tenements. The approval was received on 3 September 2018. The minutes of the Special Meeting held on 14 September contain the explanation.

4.1.2 Neil Grinham’s question directed to President Cr Joanne Kanny

Q. Could you explain as to why that in the media article in the Midwest Times 12-09-18 on page 4 it quote’s you President Joanne Kanny stating the below 2 days prior to the Special meeting being held to vote on these important decisions?

“Councillor’s passed the rates increase, prize and penalties in the three separate motions when they met on Friday August 31.”

“Cr Kanny said the motions were passed unanimously.”

This leaves myself an others a bit confused.

A. Shire President Cr Joanne Kanny advised the media statement was an incorrect statement by the reporter.

4.1.3 Neil Grinham’s question directed to President Cr Joanne Kanny

Q. Could this be seen as influencing councillors on their decision making when voting on the 14-09-18 special meeting 2 days later on these deferred items?

A. President Cr Joanne Kanny No.

4.1.4 Neil Grinham’s question directed to President Cr Joanne Kanny

- Q. At the Ordinary Council Meeting held on 27-07-18 under item 13.1 Urgent Business Old Police Station se for Future projects.**

Was this supposed to be used for the women’s training centre etc, as per the funding grant from Lotteries West to refurbish it for this women’s and pre-school infants community program?

Does hiring or leasing of the building follow the criteria of the Lotteries West funding agreement?

- A. Shire President Cr Joanne Kanny advised the building is not being leased or being considered by Council at this time.

4.1.5 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

- Q. Agenda Item 11.1.1 under Technical Services Capital Works report, Under Recreational and Culture;**

000000 – Community/School Oval Development F & E \$35,250

000000 – Community/School Oval Shared Use Development Recreation \$718,000

Could you explain the different line items, what is F & E \$35,250 and where has this money come from?

- A. President Cr Joanne Kanny advises F & E stands for Furniture and Equipment, to be purchased to furnish and equip the Sports Pavilion. The 2018-19 Annual Budget details the following:

- Community Oval Development Furn & Equip Grant \$35,250

The Annual Budget further details the anticipated source of funding being:

- Grant – Community Oval Development Pavilion Fitout \$20,500 with the balance from own resources.
- The \$718,000 represents the balance of funds required to complete the development comprising of the Oval, Sports Pavilion and Rifle Range and associated works.

4.1.6 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

- Q. Agenda Item 11.1.2 Technical Services Report
5. Infrastructure Capital, Item 5.1 Rifle Range Fencing.**

Are these works been done in house by the Shire employee’s or by a private contractor?

- A. CEO Silvio Brenzi advised the work was done by Shire employee’s.

4.1.7 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

- Q. The fence construction around the Oval was this done in house by Shire employee’s or by a private contractor?**

- A. CEO Silvio Brenzi advised the work was done by Shire employee’s.

4.1.8 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

Q. Changing the date of the Ordinary Council Meeting to be held on Friday 28-09-18 to Wednesday 26-09-18 at a Special Meeting on the 14-09-18. Under the Administration Regulations does this short notice to the Public come with-in the prescribed time frame?

A. President Cr Joanne Kanny advises reference is made to regulation 12 of the above mentioned Regulations which has been complied with.

4.1.9 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

Q. In reference to you rejecting the below question 4.1.13 at the Ordinary council meeting held on the 27-07-18.

I disagree and believe this would have had an impact on the operations and the community at the time, the CEO and staff travelling 300 km round trip, the administration costs and residents of Paynes Find and the surrounding district turning up to discuss their community issues with Councillors at a cost to time and travel for the Shire and Community members.

I believe this question should not be rejected for the reason above?

4.1.13 Neil Grinham’s question directed to the President Cr Joanne Kanny

Q Could Council research back further then your tenure as an elected member as to finding out the last time this occurred prior to the ordinary meeting held in Paynes Find on the 25-05-18. When was the;

A. Last time the Yalgoo Council had adjourn an ordinary meeting due to no quorum?

B. Where there were no elected members were in attendance at all?

C. President Cr Joanne Kanny rejected the above question, reason stating these questions have no impact on current or future operations of the Shire.

A. President Cr Joanne Kanny advises you are entitled to your opinion. The meeting was scheduled and had to proceed, a quorum was not achieved and the CEO adjourned the meeting as no other elected member/s was present.

4.1.10 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

Q. Are Councillor’s refusing to participate in the Alcohol and Drug testing?

A. President Cr Joanne Kanny advises that this matter has been addressed before.

4.1.11 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

Q. In response to the below answer item 4.1.15 why did Council go behind closed doors in the February Ordinary meeting to discuss an employee in relation to the Family Support Program?

4.1.15 Neil Grinham’s question directed to the President Cr Joanne Kanny

Q I will re ask this, Is Council’s only employee the CEO?

Please answer the question Yes or No. as the question is not for me to answer or for you as the current President to assume that I would know the answer.

The CEO is engaged by the Council and the CEO is responsible for the employment of other employees.

- A. President Cr Joanne Kanny advises reference is made to Section 5.23 of the Local Government Act 1995 in particular Section 5.23 (2)
- (a) Which states that the Council may close to members of the public the meeting or part of the meeting if it deals with any of the following:
- (a) A matter affecting an employee or employees.

4.1.12 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

Q. Has there been any progress on the below question?

4.1.21 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

Q Could a full detailed breakdown of expenditure for both programs be made available? Including accommodation and all other associated costs as was supplied in item 11.4.4 at the 23rd February meeting for one of the programs. The inclusion of the Healthy community fund which is mining contributions.

If this continues to be to difficult for the President to supply, could the CEO assist with some professional help.

RESPONSE

As this detailed breakdown is time consuming and Council resources are limited the information will be provided prior to the meeting or at the next scheduled meeting.

- A. President Cr Joanne Kanny advises that the matter is being addressed staff resources at the moment are at a premium.

4.1.13 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

Q. I believe at last year’s Emu Cup event some food was prepared served and sold to the public by people who didn’t have food handling certificates. This I believe occurred at the other main Yalgoo event this being the Race day, which the council sponsor’s with \$10,000 donation. Was council aware that Cr T Hodder was running the catering?

A. President Cr Joanne Kanny advises that clarification will be sought from the Council’s Environmental Health Officer for Shire run events.

4.1.14 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

Q. Is Council aware that the last school holiday programs that Cr Hodder threatened and intimidated event organisers?

A. President Cr Joanne Kanny advises no reports were received to my knowledge.

4.1.15 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

Q. Has Council taken any action to dealing with Cr Hodder’s behaviour?

A. President Cr Joanne Kanny advises as above.

4.3.16 Neil Grinham’s question directed to the CEO Silvio Brenzi and President Cr Joanne Kanny

Q. Cr Hodder has been involved in a reportable incident with an employee while working the day after being sworn in as Councillor. I believe the interim VRO for 6 months was granted on the 18-02-18 and then extended on the 20-03-2018 for two years.

I believe there was another employee who placed a VRO on Cr Hodder because of her threatening and bullying behaviour while working.

If Council may find the time to view the CCTV footage of the violent incident that took place at the local shop, you will see Cr Hodder enabling 2 of her family members to get to this scene where they participated in a violent assault. Cr Hodder stood across the road clapping and laughing.

After outlining the above I find it hard to accept Cr Hodder’s answers as being of a personal matter as I see this as a very serious breach by a elected Councillor.

Is Council going to view the CCTV footage?

Is Council going to take action on this behaviour by Cr Hodder?

I believe the below applies to Cr Hodder.

Should you believe that the Local Government Act 1995 or Local Government (Rules of Conduct) Regulations 2007, including Regulations 10, which prohibits elected members from threatening local government employees, or using offensive or objectionable expressions in reference to an employee.

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 26 September 2018 be confirmed.

Moved:

Seconded:

Motion put and carried / lost

9. REPORTS OF COMMITTEE MEETINGS

10. REPORTS OF COMMITTEE MEETINGS

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 2018-19

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 October 2018
	Nil

Matter for Consideration

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

Background

The Shire in adopting its 2018-2019 Annual Budget has allocated funds amounting to \$2,223,003 for the purpose of acquiring capital assets and undertaking infrastructure works.

Statutory Environment

Nil

Strategic Implications

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

Policy Implications

Nil

Financial Implications

To deliver the Capital Works Program within the budgeted allocations.

Consultation

Nil

Comment

The Capital Works Projects for the 2018-2019 financial year are detailed be:

		2018-19 ANNUAL BUDGET	2018/19 SEPTEMBER 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 30 September 2018
Governance					
000000-Admin Mobile Phones,laptop,Computers,Office Equip.	F & E	2,492	0	2,492	
000000- Motor Vehicle CEO	P & E	86,970	0	86,970	
000000- Motor Vehicle CGTS	P & E	64,794	0	64,794	
Law Order Public Safety					
000000-CCTV Yalgoo Townsite	F & E	9,000	0	9,000	
000000-CCTV Yalgoo Townsite - Conect to Yalgoo Police Station	F & E	4,000	0	4,000	
Housing					
000000-Staff Housing - Security	L & B	65,000	4,758	60,242	in progress
000000-Two Units 17 Shemrock Street	L & B	86,350	0	86,350	
Recreation and Culture					
000000 - Arts and Crafts Building	L & B	25,000	0	25,000	
000000-Power Supply Mens Shed and Rifle Club	L & B	15,000	0	15,000	
000000-Bollard Fence - Community Park	Recreation	8,000	0	8,000	
000000- Community/School Oval Development	F & E	35,250	0	35,250	
000000- Community/School Oval Shared Use Development	Recreation	718,000	171,878	546,122	in progress

		2018-19 ANNUAL BUDGET	2018/19 SEPTEMBER ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
By Program					
Transport					
000000- Machinery Shed Depot	L & B	7,393	6,230	1,163	completed
000000-Flood Control -Fuel Station	L & B	11,410	3,227	8,183	in progress
000000- Depot -Electric Boundary Fence and Gate	L & B	6,700	0	6,700	
000000- Water Cart Modifications	P & E	10,000	0	10,000	
000000- Motor Vehicle Foreman	P & E	68,722	0	68,722	
000000- Motor Vehicle Works Hilux	P & E	49,000	0	49,000	
000000- Generator 4.5kva	P & E	4,290	0	4,290	
000000- Generator 6.0kva with Fuel Tank	P & E	9,500	0	9,500	
000000- Transfer Pump	P & E	6,200	0	6,200	
000000- Paynes Find Airstrip Fence	Other	45,000	0	45,000	
000000-Paynes Find Beautification	Other	18,656	0	18,656	
ROADS TO RECOVERY GRANTS					
000000- Yalgoo/Morawa Road - Widen to 7m	Roads	544,968	0	544,968	
RRG SPECIAL GRANT RD WORKS					
000000- Yalgoo/Ningham Road - Seal to width 4m	Roads	300,000	0	300,000	
MUNICIPAL FUND					
000000- North Road - Crossing	Roads	10,000	0	10,000	

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

	2018-19 ANNUAL BUDGET	2018/19 SEPTEMBER 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 30 september 2018
Economic Services				
000000-Caravan Park - Washing Machine and Dryer F & E	3,200	0	3,200	
000000- Shelter and Seating Jokker Tunnel L & B	4,054	0	4,054	quotations received and deposit paid
000000- Shelter and Visitors Board at Railway Station L & B	4,054	0	4,054	quotations received and deposit paid
	2,223,003	186,093	2,036,910	

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Progress Report on the Capital Works Program 2018 - 2019

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

Moved:

Seconded:

Motion put and carried/lost:

11.1.2 Technical Services Monthly Report 31 August 2018

Author:	Ray Pratt, Works Foreman
Interest Declared:	No interest to disclose
Date:	18 October 2018
Attachments	Nil

Matter for Consideration

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

Background

Nil

Statutory Environment

Nil

Statutory Implications

Nil

Consultation

Nil

Comment

1 ROAD CONSTRUCTION – CAPITAL

1.1 RRG Project Yalgoo – Ninghan Road

- Extension 4 meter seal is currently being quoted by preferred suppliers.
- Rowe Contractors have removed vegetation regrowth in preparation for 10 km of road and pushed up gravel in pit ready for roadworks.

1.2 R2R Project Yalgoo – Morawa Road

- Widen to 7 meters, is currently being quoted by preferred supplies.
- Rowe Contractors pushed up gravel in pit ready for roadworks.

2 ROAD MAINTENANCE - OPERATIONS

2.1 Planned Works

- We currently have two plant operators working on the Burnabinmah road and Dalgaranga Road.
- Road maintenance work to Thunderlarra and Wuraga - Barnong road has now been completed.
- A new grid was installed on the Dalgaranga Road, and
- New signs have been installed along all Shire roads where identified.

2.2 Yalgoo - Ninghan Road

- Road maintenance work has now been completed along the Yalgoo - Ninghan road.

2.3 Maranalgo Road

- Road maintenance work has now been completed along the Maranalgo Road.

3 OTHER INFRASTRUCTURE MAINTENANCE

3.1 Plant and Equipment

- Fire Truck 2.4 has been refurbished and returned to Yalgoo on the 13 September 2018.
- The fibreglass water tank/trailer has been taken to MBF for an upgrade as per capital program.
- New tyres have been placed on the CAT truck.

3.2 Buildings

- Crowes electrical have quoted the repairs to the Chapel lights. (insurance claim).

3.3 Town Street

- Aussie Tree Service is due out to trim trees growing under power poles, shire homes and parks commencing on the 29th October.
- The towns gardening team have been busy cleaning the verges of the street minimising the rubbish lying around town and over grown weeds and grass.

4 PARKS AND RESERVES

4.1 Art & Culture Centre

- Nil

4.2 Community Town Oval

- Oval has been sprayed for weeds and fertilised, grass is mowed weekly.
- Trees have been fenced off to stop the kangaroo's from eating them.
- Building delivery programed for the 26th November 2018.

4.3 Community Park, Gibbons Street

- Bollard poles have been ordered for Gibbons Street Park as per capital program.

4.4 Community Park, Shamrock Street

- Nil

4.5 Water Park

- Geraldton Pool and Spa came out and conducted the annual services to the waterpark equipment and machines, everything is up and running.
- Shade Sales are being modified by supplier to improve stability.

4.6 Yalgoo Caravan Park

- A new TV has been installed to the camp kitchen.

5 INFRASTRUCTURE - CAPITAL

5.1 Rifle Range

- Fencing was installed around the Rifle Range by Shire staff.
- Range access road has commenced and target system delivered
- Signage to be delivered next week and an inspection for 2/3 weeks
- Draft documents for Yalgoo Shooting Association submitted to Dept of Commerce for registration.

6 PRIVATE WORKS

6.1 Nil

7 PURCHASING

7.1 Signage

- New road signs have been purchased to replace old and damaged signs within Yalgoo
- The main entrance sign at Gibbons St/ Piesse St intersection has been ordered and will be installed once delivered. This replaces all the individual signs currently in place that are damaged and deteriorated.

8 STAFF

8.1 Training & Licences Completed

- All Depot staff have been signed up to conduct forklift training.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Technical Services Monthly Report 30 September 2018

That Council:

Receive the Technical Services report as at 30 September 2018.

Moved:

Seconded:

Motion put and carried/lost:

11.2 DEVELOPMENT PLANNING AND ENVIRONMENTAL HEALTH

11.3 FINANCE

11.3.1 Accounts for Payment September 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 October 2018
Attachments	Nil

Matter for Consideration

Council approve the Accounts for Payment list for the period 1 September 2018 to 30 September 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 September 2018 to 30 September 2018 are as follows:

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1005*2019	AMPAC Debt Recovery (WA) Pty Ltd	9/7/2018	Debt Collection Fees	535.70
1009*2019	Austral Mercantile Collection Pty Ltd	9/7/2018	Debt Collection Fees	1,877.88
1016*2019	BOC Limited	9/7/2018	Container Rental	122.42
1018*2019	BOQ Asset Finance & Leasing Pty Ltd	9/7/2018	Photocopier Rental	329.50
1021*2019	Bunnings Building Supplies Pty Ltd	9/7/2018	SUNDRY ITEMS FOR WORKSHOP,CARAVAN PARK SUNDRY AND DEPOT WORKSHOP	1,832.36
1024*2019	Canine Control	9/7/2018	Ranger Service Fees	967.05
1037*2019	Core Business Australia Pty Ltd	9/7/2018	Project Management Fees -Yalgoo Sports Oval and Yalgoo Road Funding	13,436.50
1039*2019	Corporate Image Solutions Australia	9/7/2018	Stationery - Toner for Caravan Park	1,215.90
1040*2019	Courier Australia	9/7/2018	Freight Charges	2,566.31
1041*2019	Crowe's Electrical	9/7/2018	Wire BBQ unit and fit new lock to door	636.83
1044*2019	Rocke, David	9/7/2018	Cleaning of Paynes Find Complex	495.00
1056*2019	Five Star Business Equipment & Comms	9/7/2018	Photocopier Maintenance	1,815.02
1064*2019	REFUEL AUSTRALIA	9/7/2018	August Fuel Account	19,840.73
1092*2019	LGIS.	9/7/2018	Motor Vehicle Insurance	81,672.77

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1096*2019	Local Health Authorities Analytical	9/7/2018	2018/2019 Renewal Fee	392.70
1108*2019	Midwest Chemical & Paper	9/7/2018	Caravan Park Cleaning Supplies	467.76
1138*2019	Pemco Diesel Pty Ltd	9/7/2018	YA453 - Service YA453 - Replace damaged radiator	2,915.50
1139*2019	Lawson, PERCY (SENIOR)	9/7/2018	Meeting Fees 31.08.2019	188.84
1146*2019	Protector Fire Services	9/7/2018	Service to Fire Equipment	631.29
1170*2019	St John Ambulance WA Ltd	9/7/2018	Britt Holland - First Aid Training, Chris Bell - First Aid Training, Darren Hawkins - First Aid Training, Craig Holland - First Aid training, Helen Pratt - First Aid Training, Ray Pratt - First Aid Training, Ryan Egan - First Aid Training, Phillip Hill - First Aid Training	1,592.00
1171*2019	WINC AUSTRALIA PTY LIMITED	9/7/2018	Office Supplies and Supply Coffee for the Office	473.96
1172*2019	State Library of Western Australia	9/7/2018	Delivery of better Beginnings Program 2018/19	16.50
1184*2019	Totally Workwear Geraldton	9/7/2018	Chris Bell Work Clothes , Darren Hawkins Work Clothes , Ray Pratt Work Clothes and Phillip Hill Work Clothes	2,075.56
1189*2019	Urbis Pty Ltd	9/7/2018	Consultancy Planning Fees -Rezoning of lots 65-66 Gibbons St	705.38
1191*2019	Veolia Environmental Services	9/7/2018	Rubbish Collection Fee	8,178.28
1194*2019	WA Local Government Association	9/7/2018	Conference Fees - 2018 WA Local Government Convention	6,610.00
1199*2019	WestCoast SeaFood	9/7/2018	Refreshment for Council Meetings	60.00
1206*2019	Yalgoo General Store.	9/7/2018	Supplies for Activities, Depot and Workshop	1,426.10
1207*2019	Yalgoo Hotel Motel	9/7/2018	COUNCIL LUNCH 29 JUNE 2018, MIXED MEAT & SALAD AND SANDWICHES FOR 4 & 5 JULY 2018, SUPPLY LUNCH FOR 8 PEOPLE , BILL ATYEO: ACCOMMODATION & MEALS - 23,24,25 JULY 27 July 2018, Ordinary Council Meeting Lunch, Supply meals for Dominic	1,705.70

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1234*2019	DATACOM SOLUTIONS (AU) PTY LTD	9/7/2018	Software Support	3,664.72
1235*2019	ELLIS & SONS CONSTRUCTION	9/7/2018	Maintenance work at Caravan Park	3,456.20
1240*2019	Westrac Equipment Pty Ltd	9/7/2018	YA 860: PARTS YA 860: 15W40 - 208L	1,942.73
1347*2019	GRANTS EMPIRE	9/7/2018	Consultancy fees -Sports Building Fitout Grant Application	528.00
1363*2019	PATIENCE SANDLANDS	9/7/2018	40 METERS OF SCREENED CREAM TOP DRESSING SAND	1,584.00
1372*2019	DARREN LONG CONSULTING	9/7/2018	Consultancy Fees-Municipal Bank Reconciliation	6,655.00
1379*2019	THE GOOD GUYS GERALDTON	9/7/2018	Furniture for 19b Stanley St	1,485.00
1382*2019	GLASS CO WA	9/7/2018	74 Weeks St - Supply and Install Security Screens, 16 Shamrock - Supply and Install Security Doors	5,234.26
1424*2019	LAWSON, PERCY (SHIRE)	9/7/2018	Meeting Fees 31.08.2019	188.83
1436*2019	COERCO PTY LTD	9/7/2018	Flatwalled Tank	2,035.00
1445*2019	BATAVIA FURNITUE & BEDDING	9/7/2018	Furniture for Unit 19b Stanley Street	1,578.00
1447*2019	CIVIC WORKFORCE MANAGEMENT	9/7/2018	Review of Worksafe Improvement Notice	8,959.50
1449*2019	RED EARTH MARKETING	9/7/2018	2018/2019 Co-Op Tourism Services Contribution	5,000.00
1450*2019	AVILA, BEN	9/7/2018	Flag Poles for Art Centre	1,000.00
1451*2019	ACTIVE GAMES ENTERTAINMENT	9/7/2018	Entertainment Hire for Emu Cup	3,000.00
1009*2019	Austral Mercantile Collection Pty Ltd	9/14/2018	Debt Collection Fees	1,877.88
1015*2019	Beaurepaires	9/14/2018	Repairs to Tyres for John Deer Grader - YA465	1,950.00
1016*2019	BOC Limited	9/14/2018	Container Service	122.42
1018*2019	BOQ Asset Finance & Leasing Pty Ltd	9/14/2018	Copier Leasing	329.50
1024*2019	Canine Control	9/14/2018	Ranger Service - 7 September 2018	967.05
1040*2019	Courier Australia	9/14/2018	Freight Charges	408.24
1041*2019	Crowe's Electrical	9/14/2018	As per Quote# QO-3127 New Machinery Shed & Shire D	9,123.40

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1048*2019	Dominic Carbone & Associates	9/14/2018	Consultancy Service Fees	17,105.00
1067*2019	Geraldton Toyota	9/14/2018	CEO Vehicle - Replace Fuel Filter 120,000KM SERVICE YA778 CEO Vehicle - 60,000 km service	2,223.37
1091*2019	Landgate	9/14/2018	Mining Tenements	70.20
1092*2019	LGIS.	9/14/2018	LGIS Workcare	26,039.66
1130*2019	Novus Autoglass Midwest	9/14/2018	YA453 - SUPPLY & FIT RH REAR DOOR GLASS YA778 - REPAIR X3 STONE CHIPS	896.75
1137*2019	PaynesFind Road House & Tavern	9/14/2018	Accommodation and Meals - Ray Winfield	2,051.00
1153*2019	Pratt, Ray	9/14/2018	2 PVC Pipes for tank at Sports Oval	7.39
1157*2019	Redwave Media Pty Ltd	9/14/2018	Advertising for Emu Festival	440.00
1171*2019	WINC AUSTRALIA PTY LIMITED	9/14/2018	Office Supplies	139.17
1172*2019	State Library of Western Australia	9/14/2018	Annual Fee	220.00
1184*2019	Totally Workwear Geraldton	9/14/2018	Ray Pratt - Safety Boots	157.50
1200*2019	Western Independent Foods	9/14/2018	Caravan Park - 2 X BISCUITS & UHT FULL CREAM MILK	152.63
1240*2019	Westrac Equipment Pty Ltd	9/14/2018	YA 890: PARTS	325.01
1294*2019	DFES	9/14/2018	2018/2019 ESL Quarter 1	6,223.80
1298*2019	OLD MACDONALD'S TRAVELLING FARMS	9/14/2018	FARM VISIT FOR EMU FESTIVAL	1,870.00
1349*2019	MIDWEST TIMES	9/14/2018	Emu Cup Advertising	2,200.00
1452*2019	LAWSON, PERCY (CROWE'S)	9/14/2018	Payment for Crowes Electrical	150.00
1453*2019	MONGOO, LANCE	9/14/2018	EMU EGG CARVING DEMONSTRATION AT THE YALGOO EMU CUP	500.00
1454*2019	ONE BODY & SOUL PT	9/14/2018	School Holiday Activities	1,524.72
1066*2019	Geraldton Party Hire	9/26/2018	Bucking Bull & Bouncy Castle Hire	2,000.00
1137*2019	PaynesFind Road House & Tavern	9/26/2018	Diesel - Fuel for Complex	33.87
1139*2019	Lawson, PERCY (SENIOR)	9/26/2018	Special meeting 14.09.2018	236.00

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1154*2019	Reckon Pty Ltd	9/26/2018	Software Licence Renewal	945.00
1235*2019	ELLIS & SONS CONSTRUCTION	9/26/2018	Depot & Emergency Chemical Toilet	3,850.00
1249*2019	CARAVAN INDUSTRY ASSOCIATION WA (INC)	9/26/2018	2018/2019 Membership	1,100.00
1277*2019	REILLY & CO	9/26/2018	Conduct NAIDOC Activities and Consulting for School Holiday Program	6,745.02
1339*2019	SUN CITY BATTERIES	9/26/2018	LIGHTS @ ENTRY STATEMENT YA881: BATTERY & CABLES	1,150.20
1357*2019	ARTISTRY SIGN MAKERS	9/26/2018	Yalgoo Shire Signs	6,000.00
1391*2019	REDI HIRE SOLUTIONS	9/26/2018	Wacker Floor Saw - R/way Station	319.99
1424*2019	LAWSON, PERCY (SHIRE)	9/26/2018	Special Meeting fee 14.09.2018	86.00
1443*2019	MODULAR WA	9/26/2018	Progress Payment-Sporting Complex for Sports Oval	100,471.20
1452*2019	LAWSON, PERCY (CROWE'S)	9/26/2018	Special meeting fees 14.09.2018	150.00
1457*2019	KOORI MAIL	9/26/2018	Yalgoo Emu Festival Advertising	1,600.00
1458*2019	ROWE CONTRACTORS	9/26/2018	CONTRACTOR DOZER WORK - MORAWA ROAD	12,372.50
1059*2019	Trenfield, Gail	9/28/2018	Special Meeting Fees - 14.09.2018	881.67
1085*2019	Kanny, Joanne	9/28/2018	Council and Special Meeting Fees - 14 & 26 September 2018	2,850.57
1139*2019	Lawson, PERCY (SENIOR)	9/28/2018	Council Meeting Fee - 26 September 2018	377.67
1220*2019	PAYNE, GREGORY ARTHUR	9/28/2018	Council and Special Meeting Fee - 14 & 26 September 2018 and MRVC meeting	1,358.62
1311*2019	HODDER, TAMISHA	9/28/2018	Council and Special Meeting Fees - 14 & 26 September 2018 and Arts Committee meeting	1,117.67
1383*2019	DEPARTMENT OF PLANNING, LANDS & HERITAGE	9/28/2018	2018 Regional Heritage Conference - Tamisha Hodder	330.00
TOTAL				422,145.45

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Accounts for Payment July September 2018

That Council approve the list of accounts paid for the period 1 September 2018 to 30 September 2018 amounting to \$422,145.45 and the list be recorded in the Minutes.

Moved:

Seconded:

Motion put and carried / lost

11.3.2 Investments as at 30 September 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	18 October 2018
Attachments	Nil

Matter for Consideration

That Council receive the Investment Report as at 30 September 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 30 September 2018.

SHIRE OF YALGOO INVESTMENTS AS AT 30 September 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	\$1,514,620.63
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$41,187.19
NAB	N/A	Term Deposit	89-977-1574	2 months 29 days	25.09.2018	24.12.2018	2.0%	\$63,104.26
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$51,920.04
TOTAL								\$1,670,832.12

RESERVE FUNDS								
NAB	N/A	Term Deposit	97-511-4454	2 months 29 days	25.09.2018	24.12.2018	2.0%	\$163,436.64
NAB	N/A	Term Deposit	89-972-5236	2 months 29 days	25.09.2018	24.12.2018	2.0%	\$453,673.53
NAB	N/A	Term Deposit	11-186-3992	2 months 29 days	25.09.2018	24.12.2018	1.75%	\$1,082,256.02
TOTAL								\$1,699,366.19

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 2018 TO 30 SEPTEMBER 2018						
NATIONAL AUSTRALIA BANK						
ACCOUNT N ^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 30.09.2018	INVESTMENT TRANSFERS	CLOSING BALANCE 30.09.2018
86-538-7363	Ongoing	Variable	\$41,141.54	\$45.65	0	\$41,187.19
89-977-1574	24.12..2018	2.0%	\$62,683.84	\$420.42	0	\$63,104.26
24-831-4222	Ongoing	Variable	\$51,862.49	\$57.55	0	\$51,920.04
97-511-4454	24.12.2018	2.0%	\$162,347.79	\$1,088.85	0	\$163,436.64
89-972-5236	24.12.2018	2.0%	\$450,651.08	\$3,022.45	0	\$453,673.53
11-186-3992	24.12.2018	1.75%	\$1,075,045.84	\$7,210.18	0	\$1,082,256.02

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Investments as at 30 September 2018

That the Investment Report as at 30 September 2018 be received.

Moved:

Seconded:

Motion put and carried/lost

11.3.3 Financial Activity Statement for the Period ended the 30 September 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	18 October 2018
Attachments	<ul style="list-style-type: none"> • Statement of Comprehensive Income ending the 30 September 2018; • Financial Activity Statement; ending 30 September 2018 • Summary of Current Assets and Current Liabilities as of 30 September 2018; • Statement of Current Financial Position as at 30 September 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:

- (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 30 September 2018.

That Council:

Adopts the Financial Activity Statement for the period ended 30 September 2018.

Moved:

Seconded:

Motion put and carried/lost

11.4 ADMINISTRATION

11.4.1 Report on Matters Outstanding as at 19 October 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 October 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
31 Mar 17	Under-taking a Review of the Shire of Yalgoo Policies	That the CEO under-take a review of the Shire Policies over the next three months	Review is currently underway. Quotes have been received and to be reviewed and appoint consultant
28 July 2017	Review of Local Laws	Council authorised the CEO to implement a review of Local Laws	Review is currently underway. Quotes have been received from preferred supplier

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
23 March 2018	Application for a prospecting licence	Council authorises the CEO to locate a suitable prospecting area close to the Yalgoo town site and make application to the Mining Registrar for registration.	<p>Works Foreman advised that the Shire cannot hold a prospect Licence. CEO to contact the Department of Mining and Petroleum to discuss the matter.</p> <p>Pastoral owner contacted and endorses the proposal. Appointment to be made with DMP</p>
29 June 2018	Final Adoption of Local Planning Scheme Amendment No. 2	<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to Section 75 of the <i>Planning and Development Act 2005 (as amended)</i> and Clause 50(3)(a) of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> resolve to support Amendment No.2 without modification and subsequently adopt Scheme Amendment No.2 to Local Planning Scheme No.2 by: <ol style="list-style-type: none"> i. 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. ii. Amend the Scheme Map accordingly. 2. That Council authorise the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Clause 50 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>. 3. That Council notes the submissions received during the formal advertising period, as set out in the Schedule of Submissions and the Officer recommendation in respect of each submission. 4. That Council forwards the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and 	<p>Letter dated 17 October 2018 received from the Western Australian Planning Commission advising that the Minister has approved the amendment to be published in the Government Gazette.</p> <p>The Shire to make arrangements for the payment of publication costs.</p>

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
		<p>sealed Amendment documents for endorsement pursuant to Clause 53(1) of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>.</p> <p>5. That Council request the Honourable Minister for Transport, Planning and Lands to grant final approval to Scheme Amendment No.2 to Local Planning Scheme No.2.</p> <p>6. That Council inform those agencies and persons who made a submission on Scheme Amendment No.2 to Local Planning Scheme No.2 of its decision.</p>	
CURRENT STATUS	Paynes Find Planning Compliance Assessment	<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to Clause 10.3 of the Shire of Yalgoo Local Planning Scheme No.2 approve the respective site plans for Lot 4317, Goodingnow Road, Paynes Find WA 6612 (PilRoc Retreat) and Lot 4234, Great Northern Highway, Paynes Find WA 6612 (Paynes Find Roadhouse & Tavern); 2. Advise the owners of the property that: <ol style="list-style-type: none"> i. Any future development upon the site that requires associated planning approval are to be determined and approved by the Council accordingly; ii. Approval of the respective site plans do not constitute approval for any applications which may be pending determination by Council, and do not guarantee future approvals on the site. iii. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development commencement and carrying out of the development 3. Provide the Compliance Assessment Report and a copy of this determination to the respective landowners. 	<p>Letter sent to the Minister, awaiting on signed documentation</p> <p>As above. Town planning Scheme 2 has now been approved by the Minister.</p>

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
		4. Seek confirmation from the landowners in relation to the recommended scheme amendments identified in the assessment reports prior to initiation.	
27 July 2018	Reserve 11867 Great Northern Highway – Mt Singleton – Proposal for the installation of a telecommunication Facility.	That Council: Approve the application for development submitted by Planning Solutions acting on behalf of Service Stream Mobile Communications (SSMC) for their client Telstra Corporation Limited for the installation of a Mobile Phone Base Station on Reserve 11867, subject to the following conditions: 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 5. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.	Council involvement now complete.
31 August 2018	Offer to purchase Lot 9 and 10 Henty Street	That Council Approve the CEO to make an offer at the Auction of Lot 9 and 10 Henty Street, due to unpaid rates, not exceeding the reserve set price.	Auction day is set for the 4 December 2018.
31 August 2018	CCC Outcome Report	That Council Authorises the Shire President, in consultation with the Shire’s Lawyers, to prepare the detailed outcome report to the CCC on behalf of the Shire of Yalgoo	Completed

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Matters Outstanding as at 19 October 2018

That Council:

Receives Report N° 11.4.1 Report on Matters Outstanding as at 19 October 2018.

Moved:

Seconded:

Motion put and carried / lost

11.4.2 Shire of Yalgoo Tourism Advisory Committee – Establishment and Endorsement of Terms of Reference

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 October 2018
Attachments	Proposed Terms of Reference

Matter for Consideration

That Council give consideration to the establishment of the Shire of Yalgoo Tourism Advisory Committee and determine its terms and reference.

Background

The Council has requested that the Chief Executive Officer initiate actions for the formation of a Tourism Advisory Committee to stimulate opportunities for the development of tourism related matters within the Shire of Yalgoo.

Statutory Environment

Local Government Act 1995

5.8 Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

5.9 Committees, types of

- (1) In this section —
 - other person** means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

5.10 Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11 A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

** Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —
 - (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

[Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11 Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,whichever happens first.

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the term of the person's appointment as a committee member expires; or
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,whichever happens first.

Financial Implications

Nil

Consultation

Nil

Comment

The establishment of the Tourism Advisory Committee will provide the framework and forum for the Shire to focus on achieving its strategic objectives and goals with respect to advancing tourism opportunities that may arise locally and or on a regional basis.

Proposal

To advise and make recommendations to Council on a range of issues in relation to tourism in Yalgoo.

Objectives

- To assist in the Co-ordination of the Shire's community events.
- To contribute towards Council's commitment to promote tourism for Yalgoo.
- To consider and provide recommendation to Council on any matter referred to it by Council.
- To provide a forum for the community to advise Council on matters such as:
 - Tourism Activities
 - Website Tourism Information
 - Tourism attractions

- Tourism publications such as brochures and map etc.

Membership

A Total membership of up to 6 members, all of whom to be appointed by the Council, comprising

- The Shire President
- Two Councillors
- The Chief Executive Officer
- Up to two other members who have an interest in Tourism on a local and or regional basis.

Appointment of for up two (2) years and members are eligible for re-appointment following the Council Ordinary Election.

The Shire of Yalgoo Tourism Advisory Committee is to meet at least bi-annually with an agenda and minutes being administrated by the Chief Executive Officer or delegate.

All recommendations made by the Shire of Yalgoo Tourism Advisory Committee to be reported to Council for consideration.

Once Council has approved the establishment of the Committee, other appropriate persons will be sought.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Shire of Yalgoo Tourism Advisory Committee – Establishment and Endorsement of Terms of Reference

That Council:

- 1. Approve the establishment of the Shire of Yalgoo Tourism Advisory Committee**
- 2. Endorse the Term of Reference refer attachment to report**
- 3. Appoint Cr _____ and CR _____ to the Shire of Yalgoo Tourism Advisory Committee.**

Moved:

Seconded:

Motion put and carried / lost

11.4.3 Councillors IT Equipment Condition of Use Policy

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 October 2018
Attachments	Draft Policy

Matter for Consideration

That Council give consideration to adopting a Councillors IT Equipment Condition of Use Policy.

Background

I-Pads have been purchased as per Council Decision and programmed ready for distribution to members

Statutory Environment

Nil

Business Implications

Nil

Consultation

Nil

Comment

A draft policy titled “Councillors IT Equipment Condition of Use Policy” is attached for Council consideration in anticipation of elected members being issued with iPads.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Councillors IT Equipment Condition of Use Policy

That Council adopt the following policy

- Councillors IT Equipment Condition of Use Policy

Moved:

Seconded:

Motion put and carried / lost

11.4.4 Review of Claims Form for President and Councillors Fees, Travelling, Expenses, Allowance

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 October 2018
Attachments	Claim Form

Matter for Consideration

That Council give consideration to amending the Claims Form for President and Councillors Fees, Travelling, Expenses, Allowances in order to standardise the reimbursement process.

Background

Elected members complete a Claims Form requesting payment for allowances, fees, reimbursements of expenses incurred.

Statutory Environment

Local Government Act 1995
Sections 5.98, 5.98A and 5.99A

Local Government (Administration) Regulations 1996
Reg 30 and 31

Financial Implications

Payment of allowances, fees and reimbursement of expenses.

Consultation

Nil

Comment

Council is requested to give consideration to standardise the period for the processing of claims received from elected members for meeting fees, allowances and reimbursement of expenses.

It is recommended that the following paragraph be inserted in the claim form attached.

“5 Reimbursement to Councillors

Upon receipt of the claim form together with any supporting documentation the Council will reimburse the Councillors within 14 days of receipt.”

Voting Requirements

Simple majority

OFFICER RECOMMENDATION

Review of Claims Form for President and Councillors Fees, Travelling, Expenses, Allowance

That Council approve the insertion of the following paragraph in the Claim Form for President and Councillor Fees, Travelling, Expenses and Allowances.

5 Reimbursement to Councillors

Upon receipt of the Claim Form together with any supporting documentation the Council will reimburse the Councillors within 14 days of receipt.

Moved:

Seconded:

Motion put and carried / lost

11.4.5 Request for Donation – Cornerstone Aviation

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 October 2018
Attachments	Letter dated 6 September – Cornerstone Aviation

Matter for Consideration

That Council give consideration to granting a donation to Cornerstone Aviation for the purpose of repairing their aircraft.

Background

Cornerstone Aviation is a faith based organisation that is dedicated to visiting remote areas by aviation, assisting people in their life journey. In 2017 the organization began visiting Yalgoo where time was spent with the local families and children at the hall.

Statutory Environment

Policy 7.7 Donation and Sponsorship states the following:

1. As a general practice, Council will restrict making donations of cash, materials and/or works to organisations which benefit the local community.
2. Sponsorship of individuals will not be considered, unless it is determined by Council that –
 - The person is representing the Shire as a community,
 - Is acting for the Shire’s benefit to some extent, and
 - Is authorised by a non-profit and non-government organisation which benefits the community.

Policy Schedule 7.7 (b) – Criteria for Assessment of Requests

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

Donation requests will not be considered where;

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

Priority will be given where;

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

Strategic Implications

Nil

Consultation

Nil

Comment

The attached letter was signed by the President of Cornerstone Aviation – Mr Darren Peakall and appears to be a chaplain at the Ellenbrook Christian College. In 2017 the organisation visited Yalgoo on a number of occasions and met local kids and families at the community hall. The organization provided donated clothes, blankets and food to be distributed to those in need. This contact has now stopped as the aircraft’s engine is in need of repair, estimated to cost between \$45,000 - \$60,000 and currently the organization has accumulated \$5,000 towards the repairs.

Cornerstone Aviation operates completely from donated funds and is seeking any support at all to enable it to continue in assisting remote communities. It currently hires an aircraft to service Meekatharra on a regular basis.

Council Policy 7.7 Donation and Sponsorship states that Council restricts making donations of cash, materials and/or works to organizations that benefit the local community however it also states that the not for profit organization is to have a base or visible presence in Yalgoo or has a significant impact on the community.

Council is requested to give consideration to making a donation to Cornerstone Aviation for the repair of the aircraft on the basis that it previously provided services to the Yalgoo Community.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Request for Donation – Cornerstone Aviation

That Council approve/not approve a donation of \$ _____ to Cornerstone Aviation to be used to repair the aircraft in recognition of the past service it provided the Yalgoo Community.

Moved:

Seconded:

Motion put and carried / lost

11.4.6 Rating Exemption – Murchison Region Aboriginal Corporation

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 October 2018
Attachments	Letter dated 3 October 2018 from the Murchison Region Aboriginal Corporation

Matter for Consideration

The Council give consideration to an application received from the Murchison Region Aboriginal Corporation requesting an exemption from rates for various properties within the Shire of Yalgoo.

Background

The objectives of the Murchison Region Aboriginal Corporation (MRAC) are as follows:

- Promote, support, sponsor, engage in, and facilitate the provision to Aboriginal people of health, housing, and other services.
- Acquire, hold and manage land, building, fixtures, chattels, and other property for the benefit of Aboriginal people in the Midwest and Gascoyne region.
- Provide social, cultural, economic, political, educational, and recreational services to Aboriginal organisations, groups, enterprises, and individuals in the wards when other bodies do not provide those services.
- Assist Aboriginal people in the Midwest and Gascoyne regions with relief from poverty, sickness, suffering, destitution, misfortune, distress, and helplessness.
- Give effect to the principles of self-management and self-determination for Aboriginal people by;
 - Establishing, owning, investing in, sponsoring, maintaining, managing, leasing and otherwise fostering business enterprises and commercial ventures of any lawful kind, and
 - Promote, supporting and sponsoring the endeavours of Aboriginal organisations, groups enterprises and individuals in the ward towards social, cultural and economic development.
- Promote, support, sponsor, engage in, and facilitate the creation of opportunities for Aboriginal people in education, training, employment, and private enterprise.
- Help and encourage Aboriginal people in the Midwest and Gascoyne regions to maintain, restore, revitalise, and renew their traditional language and culture.
- Help build trust and friendship between Aboriginal people and the non-Aboriginal community.
- Join with other Aboriginal corporations in undertaking projects of mutual benefit.
- Receive and spend grants of money from the Government of the Commonwealth or of the State or from other sources.
- The Corporation operates in the Midwest and Gascoyne regions and covers Geraldton, Northampton, Meekatharra, Mullewa, Mt Magnet, Yalgoo, Sandstone, and North Midlands.

MRAC is an entity established under the corporations (Aboriginal and Torres Strait Islander) Act 2006 and is registered under the Office of the Registration of indigenous Corporation (ORIC).

Its purpose is to provide eligible Aboriginal people with affordable rental accommodation. Any profit generated through rental revenue is reinvested in upgrading properties and where possible purchasing additional stock.

No commercial activities are conducted by MRAC and is registered as a charity as a public benevolent institution. The Australian Taxation Office has granted MRAC Charity Tax Concession status for GST concession, FBT exemption, and income Tax exemption and Deductible Gift Recipient status.

Statutory Environment

Section 6.26 of the Local Government Act 1995, in part states the following:

Subsection 6.26 (2)

- (g) Land used exclusively for charitable purpose.
- (j) Land which is exempt from rates under other written laws.
- (k) Land which is declared by the Minister to be exempt from rates.

Subsection 6.26 (4)

The Minister may from time to time, under subsection (2) (k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

Subsection 6.26 (5)

Notice of any declaration made under subsection (4) is to be published in the Gazette.

Subsection 6.26 (6)

Land does not cease to be used exclusively for the purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is a charitable, benevolent, religious or public nature.

Financial Implications

Impact on Rates levied by the Shire.

Comment

MRAC is requesting rate exemptions for the following properties:

- 91 Henty Street	YALGOO	Rates Levied 2018-19	\$406.25
- 25 Henty Street	YALGOO	Rates Levied 2018-19	\$355.35
- 52 Campbell Street	YALGOO	Rates Levied 2018-19	\$407.26
- 92 Henty Street	YALGOO	Rates Levied 2018-19	\$391.28
- 83 Milligan Street	YALGOO	Rates Levied 2018-19	\$371.32
- 87 Milligan Street	YALGOO	Rates Levied 2018-19	\$363.34
- 29 Selwyn Street	YALGOO	Rates Levied 2018-19	\$395.28
Total Rates Levied			\$2690.08

In order to obtain rate exemption on the above-mentioned properties pursuant to section 6.26 (2)(g) of the Local Government Act 1995, the land must be used exclusively for charitable purpose.

The Local Government Act 1995 does not define ‘charitable purpose’. Section 5 of the Charitable Collections Act 1946 defines ‘Charitable purposes’ as follows;

- (a) The affording of relief to diseased, sick, inform, incurable, poor, destitute, helpless or unemployed person, or to the dependants of any persons;
- (b) The relief of distress occasioned by war, weather occasioned in Western Australia or elsewhere;
- (c) The supply of equipment to any of His Majesty’s naval, military, or air force, including the supply of ambulance, hospitals and hospital ships;
- (d) The supply of comforts or conveniences to members of the said forces;
- (e) The affording of relief, assistance or support to persons who are or have been members of the said forces or to the dependants of any such persons;
- (f) The support of hospitals, infant health centres, kindergartens and other activities of social welfare or public character;
- (g) Any other benevolent, philanthropic or patriotic purpose.

The above definitions appear to have origins from the Charitable Uses Act 1601 and the House of Lords Case.

The Charitable Uses Act 1601 lists the purpose as:

- Relief of the aged, impotent and poor people;
- Maintenance of sick and maimed soldiers and mariners
- Support and aid for young tradesmen, handicraftsmen and persons decayed

One of the four categories of charitable purpose laid down by the House of Lords in the case in Income Tax Special Purposes Commissioners v Pemsel (1891). These categories are as follows:

- The relief of property;
- The advancement of education
- The advancement of religion; and
- Other purpose beneficial to the community not following within any of the preceding categories.

The rate exemption between MRAC and the Shire was the subject of a State Administrative Tribunal (SAT) decision in 2017-18 and the Judge set aside the Shires’ decision to disallow the MRAC objection to the rate record for the year ended June 2017 and substituted a decision that the objection was allowed on the basis that there is an error in the rate record as the land in question is not rateable land, because it is used exclusively for a charitable purpose.

MRAC has offered an ex-gratia payment of 20% of the rates levied on the basis that rates exemption is granted by the Shire without MRAC applying through SAT. MRAC proposes to pass on these savings to its tenants.

In view that this matter has already been determined by SAT it is recommended that Council grants MRAC rate exemption for the 2018-19 financial year on the basis that MRAC makes an ex-gratia payment of rates levied to the Shire of 20%.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Rating Exemption – Murchison Region Aboriginal Corporation

That Council:

Advise the Murchison Region Aboriginal Corporation that the following properties are considered exempt from rating for the 2018-19 financial year in accordance with Section 6.26(2)(g)

91 Henty Street	YALGOO
25 Henty Street	YALGOO
52 Campbell Street	YALGOO
92 Henty Street	YALGOO
83 Milligan Street	YALGOO
87 Milligan Street	YALGOO
29 Selwyn Street	YALGOO

On that basis that MRAC make an ex-gratia payment for each property equally 20% of the GRV value amount.

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 at the Council Chambers, Yalgoo on Friday 30 November 2018 commencing at 11.00 am.

16. MEETING CLOSURE

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

