



AGENDA
FOR THE ORDINARY MEETING
OF COUNCIL
TO BE HELD IN
THE COUNCIL CHAMBERS, YALGOO
ON FRIDAY, 26 JUNE 2020
COMMENCING 10.00 AM



SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS, YALGOO ON FRIDAY, 26 JUNE COMMENCING AT 10.00 AM.

John Read
Acting 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 Friday, 26 June 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		
<u>MINUTES OF THE ORDINARY MEETING HELD 29 MAY 2020</u>		
That the Minutes of the Ordinary Council Meeting held on 29 May 2020 be confirmed as a true and correct record of proceedings.		
Moved:	Seconded:	Motion put and carried / lost

9. REPORTS OF COMMITTEE MEETINGS

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

10.0 INFORMATION ITEMS

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (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 2019-20

AUTHOR:	JOHN READ, ACTING CEO
INTEREST DECLARED:	NO INTEREST TO DISCLOSE
DATE:	19 JUNE 2020
ATTACHMENTS	NIL

MATTER FOR CONSIDERATION

To receive the Progress Report on the 2019-2020 Capital Works Program.

BACKGROUND

The Shire in adopting its 2019-2020 Annual Budget has allocated funds amounting to \$2,140,054 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 2019-2020 financial year are detailed be:

CAPITAL WORKS PROGRAMME 2019-20

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

		2019-20 ANNUAL BUDGET	2019-20 MAY 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 May 2020
Governance					
000000-Admin Computers Hardware and System Upgrade	F & E	40,000	2,510	37,490	in progress
000000-Admin Upgrade Cabling Fibre	F & E	10,000	0	10,000	In Progress
000000-External Monitor Display	F & E	40,000	0	40,000	In Progress
000000-Admin Airconditioners	F & E	0	7,483	(7,483)	Not budgeted for
000000-Admin Fire Proof Safe	F & E	11,000	0	11,000	In Progress
000000-Admin Centre New Front Doors including Notice Board	L & B	6,000	0	6,000	Completed
000000-Admin Centre Front Rails	L & B	2,500	0	2,500	Completed
000000- Motor Vehicle RAV4	P & E	44,000	43,672	328	Completed minor saving
000000- Motor Vehicle Fortunner	P & E	44,000	44,218	(218)	Completed minor over expenditure
Housing					
000000-Staff Housing - Solar Panels	L & B	66,000	0	66,000	Expenditure withheld And reallocated during 19-20 Budget Review

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

		2019-20 ANNUAL BUDGET	2019-20 MAY ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
By Program					The CEO to provide a verbal update on the status of the capital projects as at 31 May 2020
Recreation and Culture					
000000 - Community Hall Renovations	L & B	100,000	0	100,000	Carried over to 20-21 budget
000000- Kabota ride On Mower	P & E	24,500	22,580	1,920	Completed minor saving
000000- Motor Vehicle Works Hilux	P & E	30,000	28,681	1,319	Completed minor saving
000000-Art Centre Camers, Lockers, Bookcase	F & E	4,500	901	3,599	Works in progress
000000- Sports Complex - Kerb , Seal and Footpath to School	Recreation	90,000	62,784	27,216	Works in progress
Transport					
000000- Machinery Shed Depot Concrete Floor 2 Bays	L & B	39,000	39,850	(850)	Completed minor over expenditure
000000- Ice Machine Depot	P & E	2,500	0	2,500	Completed
000000- Prime Mover	P & E	267,000	230,000	37,000	Completed with savings
000000- Backhoe	P & E	180,000	169,000	11,000	Completed minor saving
000000- Truck Cab Crew	P & E	73,000	75,760	(2,760)	Completed minor over expenditure
000000- Fuel Tank	P & E	2,100	0	2,100	Completed
000000- Deisel Air Compressor	P & E	3,200	0	3,200	Completed
000000- Paynes Find Public Toilets	Other	63,656	56,492	7,164	Works in progress
ROADS TO RECOVERY GRANTS					
000000- Yalgoo/Morawa Road - Widen to 7m	Roads	377,293	379,870	(2,577)	Completed minor saving
RRG SPECIAL GRANT RD WORKS					
000000- Yalgoo/Ninghan Road - Seal to width 4m	Roads	300,000	300,000	-	Completed
MUNICIPAL FUND					
000000- Sandford River Crossing	Roads	25,000	0	25,000	Carried over to 20-21 budget

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

	2019-20 ANNUAL BUDGET	2019-20 MAY ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
	\$	YTD \$	\$	
By Program				The CEO to provide a verbal update on the status of the capital projects as at 31 May 2020
Economic Services				
000000-Caravan Park - Disabled Toilets Chairs and Rails L & B	2,900	1,120	1,780	Works in progress
000000-Caravan Park - Upgrade Water and Power Supply L & B	30,000	0	30,000	Works in progress
000000-Caravan Park - 2 Self Contained Accommodation Units L & B	253,797	0	253,797	Works in progress
000000- Shelter and Seating Jokker Tunnel L & B	4,054	0	4,054	Completed
000000- Shelter and Visitors Board at Railway Station L & B	4,054	0	4,054	Completed
	2,140,054	1,464,921	675,133	

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

PROGRESS REPORT ON THE CAPITAL WORKS PROGRAM 2019 - 2020

That Council receive the Progress Report on the Capital Works Program 2019 – 2020 as at 31 May 2020

Moved:

Second:

Motion put and Carried/lost:

11.1.2 TECHNICAL SERVICES MONTHLY REPORT AS OF THE 22 JUNE 2020

AUTHOR:	RAY PRATT, WORKS FOREMAN
INTEREST DECLARED:	NO INTEREST TO DISCLOSE
DATE:	22 JUNE 2020
ATTACHMENTS	NIL

MATTER FOR CONSIDERATION

That Council receives the Technical Services Monthly Report as 22 June 2020

BACKGROUND

Nil

STATUTORY ENVIRONMENT

Nil

STATUTORY IMPLICATIONS

Nil

CONSULTATION

Nil

COMMENT

1 ROAD CONSTRUCTION – CAPITAL

- Flood damage work done to the floodways on the North rd, Wuraga – Barnong Rd, Yuin-Narloo Rd and Burnabinmah Rd
- .

2 ROAD MAINTENANCE - OPERATIONS

- Maintenance grading done on North Road and Burnabinmah Road
- Guide posts relaced on North Road, Burnabinmah Road and Barnong-Wuraga Road

3 OTHER INFRASTRUCTURE MAINTENANCE

- YA 1000 has it 90,000 km service
- Services carried out on the Fire Truck and Light canter by PEMCO in Geraldton

4 PARKS, RESERVES AND PROPERTIES

4.1 Art & Culture Centre

- General gardening maintenance carried out.

4.2 Community Town Oval

- General gardening maintenance and fertilizing conducted to the Town Oval and Core Stadium Gardens.
- Removed dead palm trees

4.3 Community Park, Gibbons Street

- General gardening maintenance conducted on a weekly bases, Mowing, Pruning and watering.

4.4 Community Park, Shamrock Street

- General Gardening Maintenance conducted on a weekly bases, Mowing, Pruning and watering.

4.5 Water Park

- Closed for Winter
- General maintenance conducted to the water park.
- Pest Control for mice, mosquitoes and cockroaches

4.6 Yalgoo Caravan Park

- General gardening maintenance is done every two weeks.

4.7 Paynes Find

- Toilets at the Community Centre is now Completed
- New Septic tank installed
- Area round building levelled and tidy
- New tip is now operating
- Old tip has been rehabilitated

4.8 Railway Station

- General Gardening Maintenance conducted on a weekly bases, Mowing, Pruning and watering.
- Storm damage to Bar Section has been approved by Shire’s insurers and Greg Ellis’ quote accepted.
- Septic tanks pumped out

4.9 Yalgoo Nursing Post

- No changes or additions to the Nursing Post, besides general Gardening maintenance.

4.10 Staff Housing

- Greg Ellis repaired Bathrooms on 2 Shire Units.
- Pest Control had been conducted to a few Shire Houses

4.11 Yalgoo Rubbish Tip

- New hole has been dug for the tip, and old tip had started to be rehabilitated.

4.12 Yalgoo and Paynes Find Airstrip

- Maintenance grading done to the Yalgoo Airstrip

5 INFRASTRUCTURE – CAPITAL

- Nil

6 PRIVATE WORKS

Nil.

7 PURCHASING

- Air compressor purchased for the Shire Depot
- Cement purchased for the floodway stabilising.

8 STAFF

- Ted Bukelis has resigned after many years for good service, his last day is on the 26 June 2020.
- Craig Holland has been appointed Leading Hand

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

TECHNICAL SERVICES MONTHLY REPORT AS OF THE 22 JUNE 2020

That Council receive the Technical Services report as at 22 June 2020

Moved:

Seconded:

Motion put and carried/lost:

11.2 DEVELOPMENT PLANNING AND ENVIRONMENTAL HEALTH

11.3 FINANCE

11.3.1 ACCOUNTS FOR PAYMENT MAY 2020

AUTHOR:	DOMINIC CARBONE
INTEREST DECLARED:	NO INTEREST TO DISCLOSE
DATE:	19 JUNE 2020
ATTACHMENTS	NIL

MATTER FOR CONSIDERATION

Council approve the Accounts for Payment list for the period 1 May 2020 to 31 May 2020 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 May 2020 to 31 May 2020 are as follows:

_ID	Cheque Date	Creditor's Name	Invoice Details	Total Amount Due
4685	1-May-20	Grinham, Robert	September & October 2019 Communications Allowance, MRVC Meeting Travel Allowance 10.09.2019	1,038.78
4687	1-May-20	Pemco Diesel Pty Ltd	YA415 SERVICE & REPAIRS	3,259.47
4690	1-May-20	STENT, RAY	Paynes Find Ablution Project	450.00
4696	1-May-20	Spotlight P/L	ART AND CRAFT MATERIALS	407.78
4734	1-May-20	INCITE SECURITY	Depot - Monitoring Service fee	147.00
4750	2-May-20	Murchison Regional Vermin Council	Contribution to Vermin Fence Construction for bodgates and Flip ups within the Shire of Yakoo	78,658.85
4729	4-May-20	SHIRE OF PERENJORI	CESM Shared Costs	3,285.74
4736	4-May-20	LUSCOMBE SYNDICATE	CARAVAN PARK SUPPLIES	380.42
4735	5-May-20	LO-GO APPOINTMENTS	Contracting Services of CEO	5,638.82
4740	5-May-20	E & MJ ROSHER	Parts	252.00
4749	5-May-20	BOQ Asset Finance & Leasing Pty Ltd	Rental Fee - Photocopier	329.50
4723	6-May-20	Dominic Carbone & Associates	Consultancy Fee - Administration and Finance	3,245.00
4745	6-May-20	Novus Autoglass Midwest	GLASS REPAIRS - YA1000	238.57
4746	6-May-20	Novus Autoglass Midwest	GLASS REPAIR - YA499	949.52
4747	6-May-20	Novus Autoglass Midwest	GLASS REPAIRS FOR WORK VEHICLES YA329,	735.57
4762	6-May-20	ROWE CONTRACTORS	PROGRESS PAYMENT -FLOOD DAMAGE WORKS AGRN 903	160,030.75
4686	8-May-20	DIRECT HEATING & COOLING	Supply new duct fitting - Railway Station Coolroom	1,369.50
4718	8-May-20	Bunnings Building Supplies Pty Ltd	3 X PINNACLE GALVANIZED D PATTERN DUAL GATE LATCH, 1 X SAXON MULCH FORK, 2 X FISKAR PRUNER POUCH, LONG HANDLE HOE PLUS OTHER SUPPLIES	97.01
4724	11-May-20	TOTAL TOILETS GERALDTON	TOILET SYSTEM FOR PAYNES FIND COMMUNITY CENTRE	277.84
4726	11-May-20	Proudlove's Smash Repairs	YA0 - Excess Repairs	300.00
4727	11-May-20	Proudlove's Smash Repairs	YA0 - Excess Repairs	300.00
4728	11-May-20	Canine Control	Ranger Service Fess - 7 May 2020	1,089.00
4721	12-May-20	LO-GO APPOINTMENTS	Contracting Services of CEO	5,638.82
4722	12-May-20	VIZONA	1 X OCTAGONAL POLE 12M - SINGLE SPIGOT ARM FLANGE MOUNT HOT DIPPED GALVANISED FINISH, OCTAGONAL POL 12M - DOUBLE SPIGOT ARM FLANGE MOUNT HOT DIPPED GALVANIZED FINISH, 2 X ZORA LARGE ST SERIES 200W, 1X ZORA MEDIUM ST SERIES 240W, 2 X RAG BOLT ASSEMBLIES - 4 X M24 GALVANIZED BOLTS WITH CAGES TO SUIT 600MM DIAMETER X 1600 DEEP	2,243.64
4737	12-May-20	Bunnings Building Supplies Pty Ltd	CARAVAN PARK SUPPLIES	180.85
4739	12-May-20	STATEWIDE BEARINGS	YA465 - 2 UNIVERSAL JOINTS	308.00
4741	12-May-20	Midwest Chemical & Paper	GLOVES 2 MEDIUM & 2 LARGE	63.58
4742	12-May-20	PRATT, HELEN	Reimbursement -Parts for Shire Works Depot	137.36
4720	13-May-20	Five Star Business Equipment & Comms	Maintenance Support Fee - Photocopier	880.16
4738	13-May-20	NORTH REGIONAL TAFE	Staff Training-Rhiannon Hodder - Cert 3 Business Studies	136.35
4755	13-May-20	ST JOHN AMBULANCE WA LTD	SERVICE TO FIRST AID KITS (2) - Paynes Find BFB	253.66
4759	15-May-20	Elite Electrical Contracting Pty Ltd	Caravan Park - Various electrical work	2,491.49
4763	18-May-20	ELLIS & SONS CONSTRUCTION	Paynes Find Ablution Block - Progressive Payment #3 Final	28,646.05
4764	18-May-20	FIELD, TREVOR	Workers Compensation Reimbursement Expenses	679.24
4636	30-May-20	LUSCOMBE SYNDICATE	CARAVAN PARK SUPPLIES	225.49
			TOTAL	304,365.81

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

ACCOUNTS FOR PAYMENT MAY 2020

That Council approve the list of accounts paid for the period 1 May 2020 to 31 May 2020 amounting to \$304,365.81 and the list be recorded in the Minutes.

Moved:

Seconded:

Motion put and carried / lost

11.3.2 INVESTMENTS AS AT 31 MAY 2020

AUTHOR:	DOMINIC CARBONE
INTEREST DECLARED:	NO INTEREST TO DISCLOSE
DATE:	19 June 2020
ATTACHMENTS	NIL

MATTER FOR CONSIDERATION

That Council receive the Investment Report as at 31 May 2020.

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 May 2020.

SHIRE OF YALGOO CASH HOLDINGS AS AT 31 MAY 2020								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT Nº	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
MUNICIPAL FUND								
Note Balance as per Bank Statement								
NAB	N/A	Operating a/c	50-832-4540	Ongoing	N/A	N/A	Variable	\$19,981.76
BENDIGO	N/A	Operating a/c	171336274	Ongoing	N/A	N/A	Variable	\$2,406,380.63
BENDIGO	N/A	Saving	171336282	Ongoing	N/A	N/A	Variable	\$25,047.88
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$52,115.95
TOTAL								\$2,503,526.22

RESERVE FUNDS								
Bendigo	N/A	Term Deposit	3330616	3 months	07.04.2020	06.07.2020	1.50%	\$468,712.48
Bendigo	N/A	Term Deposit	3330634	3 months	07.04.2020	06.07.2020	1.50%	\$1,127,200.64
TOTAL								\$1,595,913.12

INVESTMENT REGISTER						
01 APRIL 2020 TO 31 MAY 2020						
NATIONAL AUSTRALIA BANK						
ACCOUNT Nº	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.05.2020	INVESTMENT TRANSFERS	CLOSING BALANCE 31.05.2020
86-538-7363	Ongoing	Variable	\$41,307.37	\$29.27	(41,336.64)	0
323-9716	06.04.2020	1.55%	\$64,336.35	\$859.76	(65,196.11)	0
24-831-4222	Ongoing	Variable	\$52,071.54	\$44.41	0	\$52,115.95
323-9717	06.04.2020	1.55%	\$166,627.70	\$2,226.75	(168,854.45)	0
3330616	06.07.2020	1.50%	\$462,531.39	\$6,181.09	0	\$468,712.48
3330634	06.07.2020	1.50%	\$1,112,335.83	\$14,864.81	0	\$1,127,200.64

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

INVESTMENTS AS AT 31 MAY 2020

That the Investment Report as at 31 May 2020 be received.

Moved:

Seconded:

Motion put and carried/lost

11.3.3 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED THE 31 MAY 2020

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 June 2020
Attachments	<ul style="list-style-type: none"> • Statement of Comprehensive Income ending the 31 May 2020; • Financial Activity Statement; ending 31 May 2020; • Summary of Current Assets and Current Liabilities as of 31 May 2020; • Statement of Current Financial Position as at 31 May 2020; • Detailed worksheets; • Other Supplementary Financial Reports: <ul style="list-style-type: none"> ○ Reserve Funds; ○ Loan Funds

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 MAY 2020.

That Council:

Adopts the Financial Activity Statement for the period ended 31 May 2020.

Moved:

Seconded:

Motion put and carried/lost

11.3.4 Report on 2020-21 Preliminary Draft Annual Budget

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	18 June 2020
Attachments	Preliminary Draft Annual Budget 2020-21 Work Sheet

Matter for Consideration

That Council give consideration to the Preliminary Draft Annual Budget that excludes the surplus/deficit to be carried forward.

Background

Council is in the process of preparing the 2020-21 Annual Budget.

Statutory Environment

Local Government Act 1995
Section 6.2 Local Government to prepare Annual Budget.

Strategic Implications

The 2020-21 Preliminary Draft Annual Budget has taken into account the needs detailed in the Shire’s Strategic Community Plan (SCP), the Corporate Business Plan (CBP), and the Long Term Financial Plan (LTFP) when determining items for inclusion in the proposed budget.

Comment

Attached is a draft of the 2020-21 Preliminary Annual Budget comprising of the Rate Setting Statement and detailed worksheets for Councils consideration.

In preparing the Budget worksheets, external and internal influences have been taken into account as well as a review of the Shire’s operations and services to be provided. The Shire introduced new services like the Art Centre, Sports Complex, Men’s Shed and Rifle Range and increasing the revenue sources of the Caravan Park.

Please note that the surplus for the 2020-21 financial year is yet to be incorporated and is estimated \$2,584,443 in order to balance the 2020-21 Budget.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION		
Report on the 2020-21 Draft Annual Budget		
That the items of revenue and expenditure detailed in the work sheets attached to this report be incorporated in the 2020-21 Draft Annual Budget with the following amendments:		
Moved:	Seconded:	Motion put and carried/lost

11.3.5 Differential Rating 2020/21 Proposed Rates and Minimums and Objects and Reasons

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	18 June 2020
Attachments	Shire of Yalgoo Rating Methodology and it’s Differential Rating Model for 2020-2021

Matter for Consideration

Determination of the rate in the dollar and the minimum rates of the various differential rating categories for the 2020/21 financial year and the advertising for the Shire’s intention to impose.

Background

The Valuer General’s Office (Landgate) provides Council with a rateable value for each rateable property within the Shire. Properties located in the townships of Yalgoo and Paynes Find are valued based on a gross rental value (GRV). Pastoral/rural, mining and exploration/prospecting are valued based on unimproved value (UV). Council will then set a “rate in the dollar” (RID) and minimum rate.

The rateable value (as advised by the Valuer General’s Office) is multiplied by the rate in the dollar to produce the annual rates to be charged to the property. If this value is less than the minimum rate value agreed by Council, then the ratepayer will be charged the minimum rate value.

In June 2019 Council reviewed and adopted the Objects and Reasons for the differential rating categories in the Shire of Yalgoo.

The annual differential rating proposal is to be advertised for public comment for a period of 21 days prior to its adoption by Council. Submissions from ratepayers and electors are to be invited and if any submissions are received, Council is required to consider them and decide whether to impose the proposed rates and minimum with or without modification.

If a Local Government has a differential rate that is more than twice the lowest differential rate imposed, approval from the Minister for Local Government must be obtained before the rates are formally adopted by Council..

Once Council has advertised for the required time, processed any submissions from ratepayers and Ministerial approval has been granted, Council can then adopt the Annual Budget on or prior to 31 August of each calendar year.

Statutory Environment

Local Government Act 1995

- s.6.32 – States that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.
- s.6.33(1) – Provides that a local government may impose differential general rates according to a number of characteristics.
- s.6.33(3) – States that a local government cannot, without the approval of the Minister, impose a differential general rate that is more than twice the lowest differential general rate imposed.
- s.6.34 – States that a local government cannot without the approval of the Minister raise an amount of general rates that exceeds 110% of the budget deficiency or is less than 90% of the budget deficiency.
- s.6.35 – States a local government may impose a minimum rate that is greater than the general rate that would be applied for the land and outlines the requirements for this minimum rate.

- s.6.36 – Requires that a local government before imposing any differential general rates provides at least 21 days local public notice of its intention to do so.

Strategic Implications

The Local Government is to ensure that it raises enough rates to generate the revenue required to fund its operating and capital expenditure commitments.

Rates Revenue as per the Long Term Financial Plan for the 2020-2021 financial year is estimated at \$2,459,153 based on a 5.20% increase over the previous year.

Policy Implications

- The Council adopted an increase rate in the dollar as part of the Long Term Financial Plan

Financial Implications

After taking into consideration all other sources of income, Council is required to raise sufficient rates to meet its total expenditure commitments, however, it is allowed to adopt a budget that has a deficit or a surplus that doesn't exceed 10% plus or minus of its rates revenue.

Comment

Factors such as the growth of the Shire, need for additional resources to meet growth demands, the rising cost of labour and materials, previous rate increases approved, and a perception of the affordability of a reasonable rate increase are some of the factors taken into account when considering the percentage by which rates in the dollar and minimum rates can be increased.

Section 6.33 of the Local Government Act 1995 allows Local Governments to impose differential general rates to shift the revenue raising effort to certain sectors of the Community to maintain equity based on the level of services provided by the Shire. The differential land use rating adopted by the Shire allow it to impose different rates in the dollar and minimums for the following categories.

Gross Rental Value (GRV):

Town Improved - Consists of properties located within the townsite boundaries with a predominately residential, commercial and industrial use. This category is considered by Council to be the base rate by which all other GRV properties are assessed and have a different demand and requirement on Shire services and infrastructure.

Townsite Vacant - Consists of vacant properties located within the townsite boundaries that are vacant (no residential, commercial or industrial structures built on the land). The rate in the dollar is the same as the Town Improved category however the minimum rate is higher in order to encourage landowners to undertake development.

Unimproved Value (UV)

Pastoral/Rural - This rating applies to all pastoral leases and land with a predominately rural land use. The proposed rate is comparatively lower when compared to the mining/mining tenement and

exploration/prospecting categories on the basis that the pastoral industry has minimum impact or requirement on the Shire services and infrastructure.

Mining/Mining Tenement - This category applies to all mining leases located within the Shire. The proposed rate is comparatively higher when compared to the pastoral/rural category on the basis that mining operations require additional ongoing maintenance of the roads network that service this land use, along with additional costs associated with the administration of mining tenements.

Exploration/Prospecting - This rating category applies to exploration, prospecting and other general purpose leases located in the Shire. The proposed rate is comparatively higher when compared to the pastoral/rural category and lower than the mining tenement category on the basis that the mining operations require additional and ongoing maintenance of the road network that services the land use, the additional cost associated with the administration of exploration and prospecting leases and the Shire wishes to encourage exploration.

The objects and reasons for each of the rating categories have been reviewed in relation to the Shire’s Local Planning Scheme which states the objectives of the various zones. The objects and reasons have been reviewed with no changes made.

The table below details the rate in the dollar and minimum imposed by the Shire in the 2019-20 financial year for each differential rating category and compares them against other surrounding Local Governments.

Categories		Shire of Yalgoo 2019/20	Shire of Cue 2019/20	Shire of Morawa 2019/20	Shire of Mt Magnet 2019/20
Differential General Rate		Rate in \$	Rate in \$	Rate in \$	Rate in \$
GRV	Townsites Improved	0.07831840	0.1062	0.078919	0.108386
GRV	Townsites Vacant	0.07831840	0.1062	--	--
UV	Pastoral/Rural	0.06907870	0.0843	0.022815	0.071755
UV	Mining/Mining Tenement	0.37430250	0.3000	0.301974	0.335263
UV	Exploration/Prospecting	0.19882530	--	--	0.335263
Minimum Rate		Per Annum	Per Annum	Per Annum	Per Annum
GRV	Townsites Improved	\$290.00	\$451.00	\$303.00	\$455.00
GRV	Townsites Vacant	\$620.00	\$451.00	--	--
UV	Pastoral/Rural	\$290.00	\$451.00	\$303.00	\$455.00
UV	Mining/Mining Tenement	\$290.00	\$451.00	\$683.00	\$455.00
UV	Exploration/Prospecting	\$290.00	\$451.00	--	\$455.00

When adopting the 2016-17 Annual Budget advice was received from the Legislation Officer, Department of Local Government and Communities (DLGC) that the proposed rates in the dollar to be imposed by the Shire, were regarded to be to high in particular for the categories Exploration and Prospecting and Mining Tenements from which 94% of the rates revenue is derived.

The table below details the rates in the dollar imposed for 2019-20 and proposed for the 2020-21. The rates revenue will increase by an estimated \$161,713 resulting from an increase in valuations.

SHIRE OF YALGOO RATES MODELLING FOR 2020-21

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2019-20 Budgeted Total Revenue \$
Differential General Rate				
GRV Town sites Improved	0.07831840	33	290,457	22,748
GRV Town sites Improved Vacant	0.07831840	0	0	0
UV Pastoral / Rural	0.06907870	22	848,888	58,640
UV Mining / Mining Tenements	0.37430250	148	4,744,310	1,775,807
UV Exploration and Prospecting	0.19882530	123	668,626	132,940
Sub-Totals		326	6,552,281	1,990,135
Minimum Payment	Minimum \$			
GRV Town sites Improved	290	10	21,454	2,900
GRV Town sites Improved Vacant	620	10	1,240	6,200
UV Pastoral / Rural	290	3	4,573	870
UV Mining / Mining Tenements	290	21	12,283	6,090
UV Exploration and Prospecting	290	77	57,596	22,330
Sub-Totals		121	97,146	38,390
		447	6,649,427	
Discounts				0
Total Amount Raised from General Rate				2,028,525
Interim Rating				0
Specified Area Rates				0
Total Rates				2,028,525

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2020-21 Budgeted Total Revenue \$	2019-20 % TO LEVIED	2020-21 % TO LEVIED	DECREASE/INCREASE RATES LEVIED	% MOVEMENT	NATURAL GROWTH IN VALUATIONS
RATE IN \$ FOR GRV AND UV AND FOR MINIMUMS AS PER 2019-20 OR ZERO INCREASE									
Differential General Rate									
GRV Town sites Improved	0.07831840	31	254,390	19,924	1.1%	0.9%	(2,824)	-12.4%	(36,067)
GRV Town sites Improved Vacant	0.07831840	0	0	0	0.0%	0.0%	0	0.0%	0
UV Pastoral / Rural	0.06907870	21	949,744	65,607	2.9%	3.0%	6,967	11.9%	100,856
UV Mining / Mining Tenements	0.37430250	174	5,155,889	1,929,862	87.5%	88.1%	154,055	8.7%	411,579
UV Exploration and Prospecting	0.19882530	115	670,260	133,265	6.6%	6.1%	325	0.2%	1,634
Sub-Totals		341	7,030,283	2,148,658					
Minimum Payment	Minimum \$								
GRV Town sites Improved	290	5	16,224	1,450	0.1%	0.1%	(1,450)	-50.0%	(5,230)
GRV Town sites Improved Vacant	620	10	1,240	6,200	0.3%	0.3%	0	0.0%	0
UV Pastoral / Rural	290	15	25,004	4,350	0.0%	0.2%	3,480	400.0%	20,431
UV Mining / Mining Tenements	290	26	9,242	7,540	0.3%	0.3%	1,450	23.8%	(3,041)
UV Exploration and Prospecting	290	76	57,522	22,040	1.1%	1.0%	(290)	-1.3%	(74)
Sub-Totals		132	109,232	41,580					
		473	7,139,515						
Discounts				0					
Total Amount Raised from General Rate				2,190,238					
Interim Rating				0					
Specified Area Rates				0					
Total Rates				2,190,238	100.0%	100.0%	161,713	8.0%	490,088

The option detailed above falls short of achieving the Long Term Financial Plan estimated rates revenue yield of \$2,459,153 with a proposed rate increase of 5.20%. On that basis that Council has agreed that the rates in the dollar remain the same as those levied in 2019-20 to limit the financial impact of the Covid19 on its ratepayers. The following rates in the dollar and the minimum rates for the various differential rating categories for the 2020-21 financial year are recommended and to be advertised accordingly.

Differential General Rate	Rate in the \$	Minimum Payment	Minimum \$
GRV – Townsite Improved	0.07831840	GRV – Townsite Improved	290
GRV – Townsite Vacant	0.07831840	GRV – Townsite Vacant	620
UV – Pastoral / Rural	0.06907870	UV – Pastoral / Rural	290
UV – Mining / Mining Tenement	0.37430250	UV – Mining / Mining Tenement	290
UV – Exploration / Prospecting	0.19882530	UV – Exploration / Prospecting	290

It is proposed that the differential general rates and minimum payments for each of the differential rate categories be advertised on Wednesday 1 July 2020 and an invitation for submissions be for a period of 21 days closing on Wednesday 24 July 2020 at 4:00 pm. The advertisement to include the time and place where the Shire of Yalgoo Rating Methodology and its Differential Rating Models describing the objects and reasons for the 2020-2021 Financial Year may be inspected and be available on the Shire’s website.

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION

Differential Rating 2020/21 Proposed Rates and Minimums and Objects and Reasons

That Council

1. Advertise the intention to impose the following differential general rates and minimum payments applying to each of the differential rate categories in accordance with Section 6.36 of the Local Government Act 1995 be placed in the Geraldton Guardian newspaper and the Bulldust.

Differential General Rate	Rate in the \$	Minimum Payment	Minimum \$
GRV – Townsite Improved	0.07831840	GRV – Townsite Improved	290
GRV – Townsite Vacant	0.07831840	GRV – Townsite Vacant	620
UV – Pastoral / Rural	0.06907870	UV – Pastoral / Rural	290
UV – Mining / Mining Tenement	0.37430250	UV – Mining / Mining Tenement	290
UV – Exploration / Prospecting	0.19882530	UV – Exploration / Prospecting	290

2. That the advertisement in (1) above also provide for an invitation for submissions to be made by an elector or a ratepayer for a period of 21 days closing at 4:00 pm on Wednesday 24 July 2020 and detail the time and place where the Shire of Yalgoo Rating Methodology and it’s Differential Rating Model may be inspected and a copy be placed on the Shire’s website

3. That all rural/pastoral ratepayers be provided with a copy of the Shire of Yalgoo Rating Methodology and its Differential Rating Model and be invited to make submissions.

4. That Council adopts the Objects and Reasons for the following differential rating categories;

Town Improved- consists of properties located within the townsite boundaries with a predominate residential, commercial and industrial use. This category is considered by council to be the base rate by which all other GRV properties are assessed and have a different demand and requirement on shire services and infrastructure.

- **Townsite Vacant –** Consists of vacant properties located within the townsite boundaries that are vacant (no residential commercial or industrial structures built on the land) The rate in the dollar is the same as the Town Improved category however the minimum rate is higher in order to encourage landowners to undertake development.
- **Pastoral/Rural-** this rating applies to all pastoral leases and land with a predominate rural land use. The proposed rate is comparatively lower when compared to the mining/mining tenement and exploration / prospecting categories on the basis that the pastoral industry has minimum impact or requirement on the shire services and infrastructure.
- **Mining/ Mining Tenement-** this category applies to all mining leases located within the shire. The proposed rate is comparatively higher when compared to the pastoral/rural category on the basis that mining operations require additional ongoing maintenance of the roads network that services this land use along with additional costs associated with the administration of mining tenements.
- **Exploration / Prospecting –** This rating category applies to exploration, prospecting and other general purpose leases located within the shire. The proposed rate is comparatively higher when compared to the pastoral/rural category and lower than the mining tenement category on the basis that the mining operations require additional and ongoing maintenance of the road network that services the land use, the additional cost associated with the administration of exploration and prospecting leases and the shire wishes to encourage exploration.

Moved:

Seconded:

Motion put and carried

11.4 ADMINISTRATION

11.4.1 REPORT ON MATTERS OUTSTANDING AS AT 20 MAY 2020

AUTHOR:	JOHN READ, ACTING CEO
INTEREST DECLARED:	NO INTEREST TO DISCLOSE
DATE:	20 MAY 2020
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 January 2019	House Safety of Lot 220, 82 Piesse Street Yalgoo	That Council Requests the CEO to investigate the safety of the house owed by Timothy Simpson and Gloria Merry at lot 220, 82 Piesse Street, Yalgoo.	Completed
31 May 2019		Council accepted the report of the EHO and requested the CEO and EHO to meet with the owner to address the problem areas	
14 February 2020	Construction of two new chalets at the Yalgoo Caravan Park	Council has budgeted for the Construction of two Rammed Earth self-contained Chalets at the Yalgoo Caravan Park.	Drawings, design specification and scope of works for the two chalets are completed project is ready to invite tenders. Report on this Agenda

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
29 May 2020	WAGGA WAGGA Muralgarra Road – Proposed De-Gazettal	That Council advise EMR Golden Grove that as per its previous decision in April and May, 2019, Council does not agree to the de-gazettal of the Wagga Wagga Muralgarra Road, but it is willing to initiate the deviation of the Wagga Wagga Muralgarra Road to bypass the Muralgarra Homestead on the basis that EMR Golden Grove meet all costs associated with the deviation of the road.	Letter sent on the

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

REPORT ON MATTERS OUTSTANDING AS AT 20 MAY 2020

That Council:

Receives Report N^o 11.4.1 Report on Matters Outstanding as at 20 May 2020.

Moved:

Seconded:

Motion put and carried / lost

11.4.2 YALGOO CARAVAN PARK CHALET CONSTRUCTION

Author:	John Read, Acting Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	4 June 2020
Attachments	Nil

MATTER FOR CONSIDERATION

That Council call tenders for the construction of two rammed earth chalets at the Yalgoo Caravan Park as per drawings, specifications and scope of work prepared by Roly Brando of Environmental Designs.

BACKGROUND - Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

STRATEGIC IMPLICATIONS

The chalets will provide additional accommodation for tourists and visitors to Yalgoo, complimenting the existing six chalets.

CONSULTATION

Roly Brando of Environmental Designs.

COMMENT

Roly Brando of Environmental Designs has done an excellent job in preparing full detailed drawings and scope of work for the construction of the two self contained chalets. One of the chalets is fully disabled friendly to comply with statutory requirements.

The existing chalets have proven very popular and well patronised. The additional chalets will compliment the existing chalets and cater for the ever increasing demand, providing first class quality accommodation for tourists and other visitors to Yalgoo.

VOTING REQUIREMENTS - Simple Majority

OFFICER RECOMMENDATION		
<u>YALGOO CARAVAN PARK CHALET CONSTRUCTION</u>		
That Council call tenders for the construction of two self contained rammed earth chalets for the Yalgoo Caravan Park as per the drawings, specifications and scope of works prepared by Environmental Designs.		
Moved:	Seconded:	Motion put and carried:

11.4.3 HEALTH SERVICES – SHIRE OF YALGOO

Author:	John Read, Acting Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	2020
Attachments	Nil

MATTER FOR CONSIDERATION

That the State Government Minister for Health be requested to remedy the inadequate health service currently provided to Yalgoo.

BACKGROUND

The Shire of Yalgoo has been concerned for many years regarding the lack of adequate health services in respect of achieving a permanent Nurse appointed to the Yalgoo Nursing Post, a second Nurse to provide adequate after hours coverage and suitable housing being provided for the Nurse(s).

STATUTORY ENVIRONMENT - Local Government Act 1995, Health Act

STRATEGIC IMPLICATIONS

Adequate health services servicing the town of Yalgoo is viewed pursuant to the Shire’s Community Strategic Plan as critically important, given the remoteness and vulnerability of residents in Yalgoo where life threatening illnesses can occur and no health care professional is available.

CONSULTATION - Nil

COMMENT

Incidents have occurred outside the working hours of the Nurse based at the Yalgoo Nursing Post, where the Nurse resident in town is not permitted to attend to an emergency, where persons have passed away as a result. The need for a second back-up Nurse is required as well as adequate housing being provided for the Nurse(s) and the remuneration reviewed to attract suitably qualified and experienced Nurses to the Yalgoo Nursing Post.

The solution to this unacceptable situation is for the State Government’s Minister for Health to urgently remedy the situation by providing two permanent Nurses to the Yalgoo Nursing Post, provide improved remuneration packages for the Nurses in order to attract suitably experienced and qualified Nurses to the positions and provide adequate housing for the Nurses. The Minister also be requested to facilitate the mammogram service vehicle, which passes by Yalgoo on its regular servicing of the towns of Mullewa and Mount Magnet, to incorporate servicing Yalgoo also.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

HEALTH SERVICES – SHIRE OF YALGOO

That a letter be forwarded to the state government’s Minister for Health, Hon Roger Cook, advising of the deaths that have occurred as a result of inadequate Nursing/health services being provided to Yalgoo, requesting:

- * The recruitment of a permanent Nurse be expedited for the Yalgoo Nursing Post.
- * A second permanent Nurse be appointed to cover weekends and extended hours that the Nursing Post needs to be available to the Yalgoo community and surrounding areas.
- * The remuneration offered to the Nurses be increased in order to attract suitably qualified and experienced Nurses.
- * the current totally inadequate housing provided for the Nurse be replaced with new suitable housing for both Nurses.
- * the Minister facilitate the mammogram service vehicle, currently servicing Mount Magnet and Mullewa, servicing Yalgoo also.

Moved:

Seconded:

Motion put and carried:

11.4.4 NATIONAL REDRESS SCHEME – CHILD ABUSE

Author:	John Read, Acting Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	5 June 2020
Attachments	National Redress Scheme - DLGSCInformation

Key Issues

<p>This item is for the Shire of Yalgoo to::</p> <ul style="list-style-type: none"> • Note the background information and the WA Government’s decision in relation to the National Redress Scheme; • Note the key considerations and administrative arrangements for the Shire of Yalgoo to participate in the National Redress Scheme; • Formally endorse the Shire of Yalgoo ’s participation as part of the WA Government’s declaration in the National Redress Scheme; and • Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.
--

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission’s Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission’s recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Yalgoo will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission’s *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.¹

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government’s participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

DETAILS

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State’s declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and

¹ Section 111(1)(b).

- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Yalgoo's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Yalgoo formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Yalgoo will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Yalgoo to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Yalgoo formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Yalgoo include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Yalgoo having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Yalgoo.

Considerations for the Shire of Yalgoo

Detailed below is a list of considerations for the Shire of Yalgoo to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Yalgoo will receive a Redress application. A Service Agreement will only be executed if the Shire of Yalgoo receives a Redress application.

Shire of Yalgoo needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Yalgoo will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Yalgoo's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Shire of Yalgoo should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Yalgoo do not have any influence on the decision made and there is no right of appeal.

Consultation

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

Attachments

1. Local Government Information Paper (December 2019).

Strategic Implications - Nil

Statutory IMPLICATIONS

The Shire of Yalgoo in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

financial implications

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person

who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

NATIONAL REDRESS SCHEME – CHILD ABUSE

That Council:

- 1) Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2) Notes that the Shire of Yalgoo will not be included in the WA Government’s amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Yalgoo makes a specific and formal decision to the be included;**
- 3) Endorses the participation of the Shire of Yalgoo in the National Redress Scheme as a State Government institution and included as part of the State Government’s declaration;**
- 4) Grants authority to the Shire of Yalgoo CEO to execute a service agreement with the State, if a Redress application is received;**
- 5) Notes that a confidential report will be provided if a Redress application is received by the Shire of Yalgoo.**

Moved:

Seconded:

Motion put and carried:

11.4.5 CORE STADIUM COMMUNITY USAGE

Author:	John Read, Acting Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	12 June 2020
Attachments	Nil

MATTER FOR CONSIDERATION

That Council adopt formal Policy regarding the use by the community, particularly children activities, of the Core Stadium in the interests of maintaining this new community facility in pristine condition.

BACKGROUND

The Core Stadium, located adjacent to the grassed oval facility, is an attractive building which has been constructed by the Shire of Yalgoo for the benefit and usage of the community. Usage of the Core Stadium over the past year has been for the Emu Festival, Steven Michael Foundation football event, Christmas / Carols on the Grass, Australia Day, Adult Painting Workshop and Council meetings during COVID restrictions. It could be considered that usage of the grassed oval facility and the Core Stadium is relatively low and that use of the attractive amenity by the community ought to be encouraged more.

STATUTORY ENVIRONMENT - Local Government Act 1995

STRATEGIC IMPLICATIONS - Nil

CONSULTATION - Nil

COMMENT

Concern has been expressed by some Councillors that allowing children to carry out art/painting activities at the Stadium will likely lead to unwanted graffiti, etc. However there is no evidence of this occurring so far, even though children have used the facility for art painting activity (Australia Day). This is mainly due to the children being well supervised. Emmaline James, Manager of Community Well Being, Arts & Culture believes there is no problem in children’s activities being conducted at the Stadium under adult supervision and suggests that the Stadium’s usage by community members of all ages be encouraged.

It has been suggested by some Councillors that children’s activities, as part of the Shire’s community development, arts & culture programs, be conducted at the Yalgoo Community Hall or the Old railway Station, instead of Core Stadium. Creating a Youth Hub for youth activities at the Community Hall has merit, after planned hall renovations are complete.

VOTING REQUIREMENTS - Absolute Majority

OFFICER RECOMMENDATION		
That Council adopt the following as Policy for inclusion in its Policy Manual:		
<u>CORE STADIUM COMMUNITY USAGE</u>		
The Shire’s administration to ensure that Core Stadium be maintained in pristine condition and that whilst its community usage is to be encouraged, usage by children is to be strictly supervised by adults in the interests of avoiding graffiti, etc. defacing the attractive building.		
Moved:	Seconded:	Motion put and carried:

11.4.6 POLICY – RECORDING OF COUNCIL MEETINGS

Author:	John Read, Acting Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	2020
Attachments	Nil

MATTER FOR CONSIDERATION

That Council Policy 4.10 contained in the Governance and Policy Manual relating to the recording of Council Meetings be deleted.

BACKGROUND

The following is Council’s existing Policy:

4.10 Policy Schedule 1.10 Digital Recording of Proceedings in Council Meeting

Objective

To provide for the digital recording of Council meetings and ensure a true and accurate account of proceedings at the meeting.

This is for Council reference only and not for public distribution

History Adopted 31 March 2017

Policy Statement

1. Access to Digital Recordings:

1.1 Executive Assistant

The Executive Assistant shall have access to the digital recordings to assist in the preparation of the Minutes.

1.2 Elected Members and Staff:

Upon request, Elected Members and Staff shall be provided with a copy of the digital records of meetings for the purpose relevant to duties and responsibilities.

2. Availability of Recordings:

No copy of the digital recordings shall be made available to members of the public.

3. Retention of Digital Recordings:

All digital recordings are to be retained as part of the Shire’s records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government RD2010046 produced by the State Records Office of Western Australia.

STATUTORY ENVIRONMENT –

Local Government Act 1995

STRATEGIC IMPLICATIONS –

Nil

CONSULTATION –

Nil

COMMENT

The Council at its meeting held on 19 December 2019 agreed that Council no longer record Council meetings as per the resolution from that meeting below:

COUNCIL DECISION

C2019-1202 RECORDING OF COUNCIL MEETINGS

THAT Council no longer record Council meetings unless deemed necessary, with this decision over-riding all previous Council decisions or Policy

Moved: Cr Trenfield

Seconded Cr Lawson

**Motion Put & Carried 6:0
ABSOLUTE MAJORITY**

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

POLICY – RECORDING OF COUNCIL MEETINGS

That Council Policy 4.10 contained in Council’s Governance and Policy Manual relating to the recording of Council Meetings be deleted in accordance with Council’s decision at its 19 December 2019 Ordinary Council Meeting.

Moved:

Seconded:

Motion put and carried:

11.4.7 RECRUITMENT OF PERMANENT CHIEF EXECUTIVE OFF POSITION

Author:	John Read, Acting Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	2020
Attachments	Nil

MATTER FOR CONSIDERATION

That LoGo Appointments be appointed to assist the Shire of Yalgoo in the recruitment of the permanent position of Chief Executive Officer with the Shire of Yalgoo.

BACKGROUND

Following the resignation of Silvio Brenzi as CEO of the Shire of Yalgoo, John Read was appointed Acting CEO with the Shire of Yalgoo through LoGo Appointments, commencing on 23 September 2019 for a 6 – 12 month period. Mr Read remains currently in the position and has agreed to stay in the role for the 12 month period. Under the Local Government Act 1995, a local government is not permitted to extend the appointment of an Acting CEO for more than 12 months. It is therefore necessary that the Shire of Yalgoo commence the recruitment procedure now for a person to fill the permanent role.

STATUTORY ENVIRONMENT

Local Government Act 1995

STRATEGIC IMPLICATIONS

Nil

CONSULTATION

Nil

COMMENT

The appointment of a Chief Executive Officer can take several months, given that a reasonable advertising period is required to receive applications, arranging a short-list of candidates, interviews of short listed candidates, appointment of preferred candidate and then the notice period the appointed candidate may have to give to his/her current employer.

VOTING REQUIREMENTS - Simple Majority

OFFICER RECOMMENDATION		
<u>RECRUITMENT OF PERMANENT CHIEF EXECUTIVE OFF POSITION</u>		
That Council appoint LoGo Appointments services to assist Council in the advertising, selection process and recruitment of the Chief Executive Officer position for the Shire of Yalgoo.		
Moved:	Seconded:	Motion put and carried:

11.4.8 MT GIBSON IRON – SHINE IRON ORE PROJECT

Author:	John Read, Acting Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	22 June 2020
Attachments	Mt Gibson Iron Project Map

MATTER FOR CONSIDERATION

That Council receive the CEO’s report regarding the new Shine iron ore project to be developed by Mt Gibson Iron located three kilometres from the Minjar Village.

BACKGROUND - Nil

STATUTORY ENVIRONMENT - Local Government Act 1995

STRATEGIC IMPLICATIONS - Nil

CONSULTATION - Nil

COMMENT

Tony Ford, General Manager Asset Management with Mount Gibson Iron, has advised that the company are developing a high grade (DSO) hematite iron ore Shine project located some 3 kilometres south of Minjar village.

The company plan to road transport approximately 2 million tonne of ore to Geraldton Port utilising the Yalgoo Ningham Road. I have advised Tony that the Shire require him to prepare a submission to the Shire detailing the company’s requirements, including the details required to prepare an Road Use Agreement, such as annual tonnage to be transported, expected commencement date, kilometres travelled on the Yalgoo Ningham Road (which is somewhere near 60 kms), type of truck/trailer road train configurations to be used, etc.

No doubt the company will need to consider the upgrade and the regular road maintenance required in respect of their gravel road from the mine located south of the Minjar Village to the Yalgoo Ningham Road, a distance I expect of some 12 kms.

I have advised Tony that the sealed road (Yalgoo Ningham Road) between the Minjar turnoff north and the EMR Golden Grove entry is only 4 metre wide seal and there is at least one or two crests on that section of road which would be quite dangerous with regular road train traffic on the road for vehicles travelling in the opposite direction. Tony advised that the company would consider widening that section of the Yalgoo Ningham Road to a 7 metre seal, which would then provide a safer 7 metre sealed road the entire length of the road travelled by your road rains. I expect a 7 metre sealed road is the minimum requirement of Main Roads for a RAV rating required for their road trains travelling on the public (Yalgoo Ningham) road in any case.

Based on the current rate of \$0.0126c per kilometre per tonne based on 2 MT X 60kms X \$0 .0126 equates to \$1,512,000 per year.

VOTING REQUIREMENTS - Simple Majority

OFFICER RECOMMENDATION

MT GIBSON IRON – SHINE IRON ORE PROJECT

That Council receive the CEO’s report regarding the new Shine iron ore project developed by Mount Gibson Iron, located approximately three kilometres south of the Minjar Village.

Moved:

Seconded:

Motion put and carried:

11.4.9 PLAN FOR OUR PARKS – SHIRE GRAVEL SUPPLIES

Author:	John Read, Acting Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	22 June 2020
Attachments	Plan For Our Parks Letter & Maps

MATTER FOR CONSIDERATION

That Council receive the CEO’s report regarding the affect of the State Government’s Plan For Our Parks initiative on the Shire long term gravel supplies.

BACKGROUND - Nil

STATUTORY ENVIRONMENT - Local Government Act 1995

STRATEGIC IMPLICATIONS - Nil

CONSULTATION

Kimberley Edmeades of Core Business Australia is assisting the Shire in mapping all gravel pits current and in the future.

COMMENT

Four State Government Departments, Department of Biodiversity, Conservation & Attractions, Department of Primary Industries & Regional Development, Department of Mines, Industry Regulation & Safety and Department of Planning, Lands & Heritage are working towards creating five million hectares of new national parks, marine parks and other conservation reserves over five years commencing February, 2019.

The initiative was announced by the Premier on 20 February 2019 to help protect our unique biodiversity, create on-country jobs for aboriginal rangers and provide opportunities for the development of nature-based and cultural tourism.

An area of concern from the Shire’s point of view is protecting our gravel pit areas to ensure that the gravel pits are excised out of any national park proposed, otherwise we could be denied access. The Shire’s Works Foreman and Kim Edmeades of Core Business Australia are currently mapping all gravel pits in liaison with the appropriate state government departments to ensure that approval is obtained to clear land where required for the purpose of obtaining gravel.

VOTING REQUIREMENTS - Simple Majority

OFFICER RECOMMENDATION		
<u>PLAN FOR OUR PARKS – SHIRE GRAVEL SUPPLIES</u>		
That Council receive the CEO’s report regarding the State Government’s Plan For Our Parks initiative and the need to ensure that the Shire’s gravel pit areas currently and future needs are protected, by having them excised out of Reserves established and formally gazetted if required.		
Moved:	Seconded:	Motion put and carried:

11.4.10 COUNCILLORS APPOINTED FOR ROAD INSPECTIONS

Author:	John Read, Acting Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	2020
Attachments	Nil

MATTER FOR CONSIDERATION

That Council cease the practice of appointing two Councillors for the purpose of Road Inspections.

BACKGROUND

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

STRATEGIC IMPLICATIONS

Nil

CONSULTATION

Nil

COMMENT

The Council at its meeting following bi-annual Council elections in October, appoint two Councillors for Road Inspections, as part of appointing various Committee members and delegates to various regional organisations.

With all due respect to the Councillors appointed for the current term, Councillors Lawson and Valenzuela, from an administration viewpoint such inspections are not required where they are carried out by unqualified persons in road maintenance and construction and in the absence of the vehicle used having flashing warning lights and personnel wearing appropriate PPE clothing, etc.

The Shire’s Works Foreman regularly inspects our road network and includes works required to be carried out into our road maintenance and construction schedule.

However it is entirely appropriate that where a major road construction program is planned or after the completion of major road construction works, Councillors are invited to inspect the works in the Shire’s community bus etc.

VOTING REQUIREMENTS - Simple Majority

OFFICER RECOMMENDATION		
That Council cease the practice of appointing two Councillors for the purpose of Road Inspections		
Moved:	Seconded:	Motion put and carried:

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 the 31 July 2020 commencing at 10.00 am.

16. MEETING CLOSURE

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