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Minutes for the Ordinary Meeting of the Yalgoo Shire Council,  
held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on Thursday 23 April 2009, commencing at 11.01 am.

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

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The President declared the Ordinary Meeting of Council open at 11.01am.

The President noted that Cr Darryl Grey has resigned from his position as a Councillor effective from 22 April 2009.

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

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MEMBERS	Cr DE Anderson, Shire President Cr EC Rowe, Deputy Shire President Cr L Hodder Cr TK Iturbide Cr DP Morrissey
STAFF	Mr N Mitchell, Chief Executive Officer Ms VJ Rowe, Deputy CEO Mr Des Hodder; Acting Works Foreman
OBSERVERS	None
LEAVE OF ABSENCE	None
APOLOGIES	Mr Cliff Hodder, Works Foreman (Annual Leave)

**3. DISCLOSURE OF INTERESTS**

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None

**4. PUBLIC QUESTION TIME**

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**4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE**

None

**4.2 QUESTIONS WITHOUT NOTICE**

None.

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

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None.

## **6. APPLICATIONS FOR LEAVE OF ABSENCE**

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None.

## **7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

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### **7.1 PRESIDENT**

The President noted that the Nursing Post is again staffed full time after some months of no nurse or part nurse available.

- 21 April with CEO, met with Cr Nino Messina, President, and Mr Tom Hartman, CEO, of the Shire of Mullewa to discuss the Minister's Structural Reform agenda
- 22 April with CEO, was due to meet with Shire of Dalwallinu representatives, but was unable to get through due to heavy rain

### **7.2 COUNCILLORS**

Cr Rowe

- 20 April attended the Women in Local Government Conference in Perth and found it very interesting and useful

## **8. CONFIRMATION OF MINUTES**

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### **8.1 ORDINARY COUNCIL MEETING – 19 March 2009**

#### BACKGROUND

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

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

#### **C2009-0401 Confirmation of Minutes**

**Moved Cr DP Morrissey, Seconded Cr L Hodder**

**That the Minutes of the Ordinary Council Meeting of 19 March 2009 be confirmed.**

**Motion put and carried 5/0**

### **8.2 ANNUAL ELECTORS MEETING – 19 March 2009**

#### BACKGROUND

Minutes of the Annual Electors Meeting have previously been circulated to all Councillors.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

#### **C2009-0402 Annual Electors Meeting – 19 March 2009**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide.**

**That the Minutes of the Annual Electors Meeting held on 19 March 2009, be received.**

**Motion put and carried 5/0**

## **9. MINUTES OF COMMITTEE MEETINGS**

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None

*Ms Violet J Rowe left the meeting at 11.33am and returned at 11.34am.*

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

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Superintendent Ross Tomasini, WA Police Service was to have attended this meeting at 11.30am but he could not make it and sent his apology.

Mr Peter Smith, Ranger joined the meeting at 11.34am, and gave a brief summary of his role as ranger, the benefits of his position working in with other Shires, now 9 in total, and details of some of the tasks he undertakes for the Shire.

He noted that –

- 65-70 dogs per year are generally licenced each year
- currently, 24 are still unregistered, which are the immediate focus
- while there were some difficulties originally, there are few problems now

## **ADJOURNMENT**

*The meeting adjourned for lunch break at 12.01pm and resumed at 12.52pm with all who were in attendance before the adjournment being present at the resumption, except Mr Peter Smith.*

## **11. REPORTS OF OFFICERS**

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### **11.0 MATTERS BROUGHT FORWARD**

None

### **11.1 WORKS**

#### **11.1.1 WORKS REPORT**

File: N/A  
Author: Cliff Hodder, Works Foreman  
Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 17 April 2009  
Attachments: None

#### MATTER FOR CONSIDERATION

Works Report for the past month

#### BACKGROUND

Overview of works for the past months

#### STATUTORY ENVIRONMENT

None

#### STRATEGIC IMPLICATIONS

None

#### POLICY IMPLICATIONS

None

#### FINANCIAL IMPLICATIONS

None

#### CONSULTATION

None

#### COMMENT

- a) Construction –  
All works complete for 2008-09 year
- b) Maintenance –
  - the second grader used on construction work for the past 4 months is now with the maintenance grader, working in the north of the Shire. The third grader will remain in the south for the time being
  - maintenance grading done or underway –
    - o North Road
    - o Dalgarranga Rd
    - o Uanna Hills Rd
    - o Noongal Homestead Rd
    - o Pindathuna Rd
    - o Yalgoo Ninghan Rd
    - o Paynes Find Rd – mainly Thundelarra-Fields Find end, but including cement stabilisation of lakes crossing near Fields Find
  - maintenance work due –
    - o Yalgoo-Ninghan Road – edges and shoulders finished, for the full length of the bitumen
    - o Paynes Find-Wagga Wagga Road

- o Gabyon-Tardie Road
- o Wuraga Rd
- o Yalgoo-Morawa Rd
- o top Mellenbye Homestead Rd
- o general maintenance throughout the Shire
- signage and guidepost replacement currently on hold
- one set of pipes/culverts need in Maranalgo Rd (near homestead)

c) Plant

- Iveco – repairs to rear suspension and track rods, wheel alignment, mudguard, springs, replace bolts in brakes done. Further inspection showed that front end springs were broken (approx \$8,000 if original parts used), and other suspension and repairs urgently needed to be roadworthy, rear differential leaking – estimated of cost \$12,000. Repairs not yet done to leading edge of side-tipper hinge badly damaged, and will need cutting out to replace. Truck Centre consider that the work should be done as it is stressing the ram. Both the side ram and main lift ram stressed and damaged.
- Volvo – service complete, headlight replaced, clutch repairs and some recall work done, injectors and lines done under warranty
- various items sent to TSE for repairs needing to be done in the workshop – float, both water tankers, 1 fuel trailer, 3 box trailers. Some need urgent attention to avoid damage or safety issue.

d) Other

- 2 new houses –
  - o decks not yet complete. Not yet paid either.
  - o quotes from contractors for concreting of verandahs to be sought and done at the same time as the footpaths, otherwise will be done in-house.
  - o concrete, reticulation, landscaping work etc, currently on hold
- Paynes Find –
  - o Community Centre – building repairs substantially complete, electrical work finalised, air-con and pump cages to be built
- Fields Find – cemetery maintenance done
- Gullewa cemetery and Wuraga gravesites also need attention
- Yalgoo Town footpaths –
  - o budget for the project is \$80,000, being \$38,000 DPI grant and \$42,000 Council funds
  - o specifications done up, and quotes to be sought
  - o project currently on hold
- Yalgoo Community Park –
  - o approval of project received from DITRDLG (\$100,000 grant), and signed documents received
  - o other Shire funded work, currently on hold

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-0403 Works Report**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That the Works Report to 17 April 2009 be received.**

**Motion put and carried 5/0**

*Mr Des Hodder left the meeting at 1.10pm.*

### **11.1.2 YALGOO HEAVY VEHICLE ROADS**

File: N/A  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 17 April 2009  
Attachments: p.1 Map of authorised heavy vehicle routes in Yalgoo Shire

#### **MATTER FOR CONSIDERATION**

To review the roads authorised for Heavy Vehicle Operations in the Shire.

#### **BACKGROUND**

The roads considered and recommended by the Shire are then reviewed by MRWA, and are used to determine whether or not permits for Restricted Access Vehicles are then issued.

#### **STATUTORY ENVIRONMENT**

Public Works Act 1902 –

- s.86(3) – roads under the control of local governments

#### **STRATEGIC IMPLICATIONS**

Roads able to be used by heavy vehicles connecting with those in other Shires.

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Cliff Hodder, Works Foreman

#### **COMMENT**

In considering the roads listed, there does appear to be a number of discrepancies, and certainly a number of changes that could be made –

- i) Uanna Hills Rd and Dalgaranga-Mt Magnet Rd – these two roads were both upgraded in January 2008 so that the Western Queen Mine could transport approx. 150,000 tonnes from the mine to Mt Magnet, so the full length of this road should be suitable for road train traffic
- ii) Meka-Mt Wittenoom Rd – could be added
- iii) Old Warriedar Rd should not be listed – I would consider this road to be quite unsuitable for heavy vehicles, due to a number of factors –
  - o some exceptionally sharp corners at the western end
  - o a half dozen or so quite steep creek crossings
  - o poor cambers around some curves, particularly adjacent to the lake
- iv) Paynes Find–Thundelarra Rd – the Fields Find to Great Northern Highway section, is in far more acceptable state for heavy vehicles than the Old Warriedar Rd, and could be included, thereby giving alternate access to the Highway.
  - However, it should be noted that the section of this road for the 5 km or so on the Yalgoo side of Fields Find, through the hills is continually a problematic area.
  - There are other sections of the road from Thundelarra to Fields Find that aren't terrific, but generally it would be acceptable for low use by heavy vehicles in dry conditions.



VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-0404    Yalgoo Heavy Vehicle Roads**

**Moved Cr DP Morrissey, Seconded Cr L Hodder**

**That Main Roads WA be advised that –**

- i) the following road are to be removed from authorised routes –**
  - Rd 14 Old Warriedar Rd
- ii) the following roads be added to the authorised routes –**
  - Rd 46 Meka-Mt Wittenoom Rd
  - Rd 51 Dalgaranga-Mt Magnet Rd – eastern portion from Mt Magnet boundary to Rd 52
  - Rd 52 Dalgaranga-Meteorite Rd – eastern portion from Rd 51 to Rd 53
  - Rd 52 Dalgaranga-Meteorite Rd – western portion from Rd 53 to Rd 13
- iii) the following road be amended in the authorised routes –**
  - Rd 77 Paynes Find-Thundelarra Rd – amend to full length

**Motion put and carried 5/0**

## 11.2 **DEVELOPMENT**

### **11.2.1 STRATEGIC WASTE MANAGEMENT PLAN**

File:  
 Author: Bill Atyeo, Environmental Health Officer  
 Interest Declared: No interest to disclose  
 Date: 10 April 2009  
 Attachments: p.2 EHO assessment of SWMP  
 Separate: Draft Strategic Waste Management Plan

#### MATTER FOR CONSIDERATION

The Shire has received a draft of the Strategic Waste Management Plan (SWMP) 2009 – 2013 from Dallywater Consulting Pty Ltd for the region known as the Yalgoo Group for adoption by the Shire. The Group was formed by the Shires of Meekatharra, Wiluna, Sandstone, Yalgoo, Mount Magnet, and Cue, and at a meeting with the consultant in August 2008 met to discuss issues in regard to Waste Management.

The Plan formulated from this meeting and with site visits by the consultant is now required to be “signed off” on by the six (6) Shires in order for the Group to be eligible for a further \$35,000 to be spent on action(s) identified in the SWMP by December 2009. Thus the urgency of this item to Council.

I will be recommending that the Shire of Yalgoo adopt the draft Strategic Waste Management Plan on the understanding that the SWMP is in draft format, has the status of a working document, and on the basis that it is subject to ongoing review at a regional level by the participating local authorities.

#### BACKGROUND

The Yalgoo Group Formed in order to maximise the receipt of funding from the Department of Environment and Conservation (DEC), and to compile a waste Management Plan for the Region in which the six member Shires are situated. This funding was used to engage Dallywater Consulting to prepare what we now call the Strategic Waste Management Plan (SWMP), and we are to understand that there will be surplus after this (figure not supplied).

The SWMP has been given to all the Shires, and it takes a lot of time to go through this 129 page document, and we are required to sign off on it by the end of April 09. The main parts that are of interest to the Shires are the Executive Summary, and Table 32 which maps out the Recommendations and Action Plan of the SWMP.

This SWMP has been developed in alignment with the WA Waste Authority’s “Zero Waste Plan Development Scheme. The purpose of the Plan is to provide strategies and actions to guide the Local Governments and communities of the Yalgoo Group region to improve waste management practices consistent with the State’s vision of “Towards Zero Waste 20/20” in order to protect human health and the environment.

At a workshop of the members of the Group in August 2008 there were three priority projects identified for immediate action should funding become available:

1. Audits of all the landfill sites within the region which would inform each Shire what waste types, how much of each, and how much could be recovered from disposal at the landfills, as a minimum.
2. The rationalisation of landfill sites and collection services
3. Investigations into Best Practice management of the SWMP.

All the Local Governments are required to formally adopt the SWMP document at their respective April Ordinary Council Meetings. It is important for Council to know that:

- The document is a Working Draft only, and is sufficiently complete for the DEC’s review purposes, but cannot represent future (final and revised) versions of the document, which may include various amendments once the full consultation process is undertaken and the Group decides whether it agrees with the actions there-in and confirms or alters the priorities (i.e. year of action) in the Action Plan.
- That shortly the consultation process will be undertaken via a workshop on the Action Plan (Table 32 in the SWMP) to confirm or alter the dates of the various actions through a “scoring system” the DEC has already devised.
- The workshop and subsequent community consultation on the final version of the SWMP will be undertaken concurrently with the development of a working document, called a Waste Management

and Minimisation Plan.

And so we have the SWMP which contains an Action Plan from which the Local Governments may choose specific actions to carry out during the ensuing 12 months, and this forms an Annual Waste Management and Minimisation Plan (WMMP). The annual WMMP will then be presented to the CEOs and full Councils for ratification, adoption, and required funding.

#### STATUTORY ENVIRONMENT

Waste Avoidance and Recovery Act 2007 –

- s.25 – Waste Authority to prepare draft waste strategy

#### STRATEGIC IMPLICATIONS

Regional cooperation

#### POLICY IMPLICATIONS

None

#### FINANCIAL IMPLICATIONS

There are none at this stage, however, in the future there may be the requirement to spend monies on some of the actions taken, but these should be sourced from external sources or will be fully budgeted for at the time actions are taken.

#### CONSULTATION

Mr Gordon Houston – Consultant for Dallywater Consulting Pty Ltd

Mr Roy McClymont – Chief Executive Officer - Meekatharra

Mr Cameron Watson – Corporate and Development Services Manager – Meekatharra

Mr Bill Atkins – Chief Executive Officer – Sandstone

Ms Samantha Tarling – Chief Executive Officer – Wiluna

Mr David Burton – Chief Executive Officer – Mount Magnet

#### EHO COMMENT

The whole document is daunting when reading it, but feel that the major areas are the Executive Summary and the Recommendations and Action Plan Table contained within. I will be concentrating on it over the next couple of weeks and hope to have some changes in regard to timing (dates), and change some of the language to “investigate” rather than “shall” or “will”.. etc etc.

I have spoken or communicated with other members of the Yalgoo Group and it appears that they too have the same concerns. I am also disappointed at the little time we were given from when we received the SWMP and the time in which we have had to review and adopt such an extensive document.

I advise you that I have slightly revised the recommendation that was presented to the HBTP Committee after re-reading the timelines and in the interests of expediency in meeting the deadlines imposed on the Group by the DEC. I felt it was important for the CEO to be able to endorse or confirm the Plan after amendments have been made, which may not be before the April meeting of Council.

#### CEO COMMENTS

The Shire of Sandstone has noted that –

The following issues that need to be considered.

- Plans are required to be submitted to the Department of the Environment by the end of April and therefore need to be adopted by Council at its April meeting.
- The document comprises of 129 pages – a lot to absorb in such a short timeframe.
- Several of the recommendations have the potential to place an onerous and costly obligation on the Shire to fulfill and some are impractical for Sandstone.
- The implications of not adopting the SWMP could be that the DEC could direct that the Shire develop a SWMP in accordance with the requirements of the Waste Avoidance and Recovery Act 2007 (WARR)
- The Shires Principal Environmental Health Officer is preparing a response with recommendations, which will be circulated at the Council meeting.
- Whilst there is a continuing thrust within local government to enter into regional resource sharing arrangements, these can result in additional time and expense for individual Shires within a regional grouping, in having to contribute to initiatives or parts thereof, that would not be considered if the Shires concerned were not involved at a regional level.

The Recommendation proposed to Shire of Sandstone reads –

*That the Shire of Sandstone adopt the draft Strategic Waste Management Plan 2009 – 2013, which has been prepared for the Yalgoo Group of Councils subject to the following –*

- *That the Shire of Sandstone retain the autonomy to self determine its level of involvement and financial contribution associated with the implementation of any of the recommendations contained within the draft SWMP.*
- *The implementation of all or any recommendations are determined at a regional level on an action by action basis and that that Shire of Sandstone whilst contributing to the regional decision making process is not bound by any decision/s should it not elect to be.*
- *That should the Shire of Sandstone not wish to be involved in the implementation of any of the recommendations contained within the draft SWMP, that it will incur no financial liability.*
- *That the Shire of Sandstone adopts the SWMP on the understanding that the SWMP is in draft format, has the status of a working document and on the basis that it is subject to ongoing review a regional level by participating local authorities.*

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 1/ COUNCIL DECISION

##### **C2009-0405    Adoption of the Strategic Waste Management Plan**

**Moved Cr EC Rowe, Seconded Cr DP Morrissey**

**That the Shire of Yalgoo adopt the Strategic Waste Management Plan (SWMP) 2009 – 2013 which has been prepared for the Yalgoo Group of Councils by Dallywater Consulting on the understanding that SWMP is in draft format, has the status of a working document, and on the basis that the SWMP is subject to ongoing review at a regional level by the participating local authorities.**

**Motion put and carried 5/0**

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 2/ COUNCIL DECISION

##### **C2009-0406    To Authorize the CEO to Sign Off the Final Document**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That the Shire of Yalgoo –**

- **authorise the Chief Executive Officer to sign off on the final document submitted to the Department of Environment and Conservation providing the Chief Executive Officer is satisfied that the interests of the Shire are served by that document following any amendments that may be made to the SWMP following the review processes, but**
- **should the Chief Executive Officer not endorse the final document, then the matter is to be referred to full Council for a decision.**

**Motion put and carried 5/0**

### **11.2.2 HEALTHY COMMUNITY PROJECT**

File: N/A  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 17 April 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

To consider options for the Healthy Community Project

#### **BACKGROUND**

The HCP has been operating at very low levels for the past 3 months since the resignation of the Community Development Officer.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

#### **STRATEGIC IMPLICATIONS**

Options for the future of the HCP

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Violet Rowe, Deputy CEO

#### **COMMENT**

Since the resignation of Ms Bec Cowell, Community Development Officer, in early February 2009, the Healthy Community Project has been operating at very low levels –

- some funding committed through the school for Auskick
- continuation of the school lunches program
- 1 week holiday program arranged through Dept for Child Protection

We are about to try to get the playgroup operational again and possibly the Op Shop.

The School's assistance has been valued, with Mr Ben Thyer agreeing to conduct some afternoon sport for children.

The operations of HCP have been the subject of much discussion over even my two years here, with a major reorientation being pursued with Council's endorsement about 12 months ago. It is unfortunate that this restructure has not been successful; however, I consider that the reason for this is not so much the change in focus or activities, but that the spread of expected duties on one person was too large and too broad.

Reviewing the past 12 months it is very clear that there are two divisions that need to be built into the project as a whole –

- primarily, a child services worker, and as an off-shoot of this activity, family skills support
- secondarily, skills and economic development.

It has also become clear, that –

- the Shire may not be the right organisation to be operating the child services family skills activities, for a range of reasons, and
- although the economic development is a small component, it is still needed.

Accordingly, my investigations of the past few months have centred around the possibilities of locating an alternative, better suited organisation to take on responsibility for child service / family skills activities.

In this regard, those I have spoken to about possibilities include –

- Brianna Higgins, Dept for Families, Housing, Children’s Services and Indigenous Affairs
- Lou Tatasciore, Dept for Community Development
- Jenny Tatasciore, Dept for Child Protection
- Jennifer Chaplyn, Executive Officer, Good Beginnings
- David Zarb, CEO, Playgroups Australia
- Officer in Charge, Police and Community Youth Centre
- Smith Family
- Mission Australia
- Ian Carter, CEO, Andrew Hall, General Manager Community Services, and John Berger, Executive Manager Operations of Anglicare WA

I am waiting on proposals from Good Beginnings and Anglicare –

- Good Beginnings are mainly Eastern States based, and are generally more focussed on family support and development programs.
- Anglicare is involved throughout WA, has representation in Geraldton, and has programs of children’s activities and family support in many centres around the State.

Discussions have reached a point where Council's directions and instructions on a number of matters are necessary. Is Council –

- agreeable in principle, to transferring the children’s service / family support aspect of HCP to a suitable organisation
- agreeable to the transfer of FaHCSIA funding to this organisation
- willing to commit to allocating a significant portion of OZ Minerals community benefit funding to this organisation, say 60% (or \$30,000 in 2008-09)
- willing to continue to support the project, both in kind and through cash commitment –
  - o in kind – provision of office space and utilities, vehicle including maintenance and changeover, accommodation rent free (all these things are currently built into the Shire Budget)
  - o cash contribution – to ensure activities are run

Total income for HCP in 2008-09 was budgeted at	\$ 171,250	FaHCSIA, OZM etc
Total expenditure was budgeted at	<u>\$ 209,980</u>	Wages, activities, vehicle etc
Net cost to Council	\$ 38,730	excludes office, housing costs

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION 1/ COUNCIL DECISION**

**C2009-0407 Transfer of Children services/ Family Support to a Suitable Organisation**

**Moved Cr TK Iturbide, Seconded Cr EC Rowe**

**That Council agrees in principle to the transfer of children’s services / family support aspects of the Healthy Community Project to a suitable organisation, subject to the agreement of Dept for FaHCSIA, and final endorsement by Council of an acceptable proposal.**

**Motion put and carried 5/0**

*Ms Violet J Rowe left the meeting at 2.05pm.*

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

**C2009-0408    Transfer of HCP Funds to the accepted Proposed Organisation**

**Moved Cr EC Rowe, Seconded Cr DP Morrissey**

**Should an acceptable proposal be received, the following funding will be transferred to the organisation –**

- Dept of FaHCSIA funding, and
- a minimum of 60% of the OZ Minerals Community Benefit community benefit contribution (\$30,000 in 2008-09)

**Motion put and carried 5/0**

*Ms Violet J Rowe returned in the meeting at 2.07pm.*

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 3/ COUNCIL DECISION

**C2009-0409    Continuation of Support for Children’s Service/ Family Support**

**Moved Cr DP Morrissey, Seconded Cr EC Rowe**

**That Council continue to support children’s service / family support activities undertaken by providing free of charge to the organisation –**

- office – space, consumables and utilities at the Hall
- vehicle – maintenance and operation
- accommodation – excluding electricity

**Motion put and carried 5/0**

COUNCIL DECISION

**C2009-0410    Public consultation prior to transfer to suitable organisation**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That If a potential acceptable proposal is received, then in conjunction with the proposer, a public consultation process be designed and carried out prior to sign off of the transfer.**

**Motion put and carried 5/0**

**ADJOURNMENT**

*The meeting adjourned for a short break at 2.14pm and resumed at 2.24pm with all in attendance before the adjournment, being present at the resumption.*

*Ms Violet J Rowe left the meeting at 2.25pm and returned at 2.28pm.*

**11.2.3 PAYNES FIND RESERVE 1733**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 16 April 2009  
Attachments: p.5 Map of Paynes Find

**MATTER FOR CONSIDERATION**

Amalgamation of a portion of Reserve 1733 into adjoining lots.

**BACKGROUND**

The portion of land concerned in the “Common” behind the Paynes Find Tavern, both freehold portion and the leasehold section.

**STATUTORY ENVIRONMENT**

State Land Act

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

None

**CONSULTATION**

None

**COMMENT**

Dept for Planning and Infrastructure have advised of an encroachment of the Paynes Find Tavern into the “Common”, propose to amalgamate an 80m wide strip into lots 4234 and 4315 as shown on the attached map.

Lot 4234 is freehold, and 4315 is currently leasehold to the Tavern. DPI also propose to convert the lease to freehold.

The Paynes Find Rubbish tip is approximately where the “R 1733” appears on the map. There is no anticipated interference with any Shire interest.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2009-0411 Paynes Find Reserve 1733**

**Moved Cr EC Rowe, Seconded Cr DP Morrissey**

**That the Dept for Planning and Infrastructure be advised that Council has no objection to either –**

- **amalgamation of an 80m wide strip of land from Reserve 1733 into lots 4234 and 4315 Gt Northern Highway, Paynes Find,**
- **the conversion of the increased Lot 4315 to freehold.**

**Motion put and carried 5/0**



## **11.3 FINANCE**

### **11.3.1 DEPUTY CEO – ACTIVITY REPORT – March 2009**

File: N/A  
 Author: Violet Rowel, Deputy CEO  
 Interest Declared: No interest to disclose  
 Date: 15 April 2009  
 Attachments: None

#### Reserve Account

Renewed the amount of \$1,396,536.23 Term Deposit with NAB for further 31 days at 3.35%, which apparently is below break even for NAB. Other rates offered by other banks on the day of renewal where as follows: Bankwest 3.10%, WA treasury 3.25%, Macquarie Bank 3% and NAB cash maximiser 3.25%. There has not been much change with the interest rates in the last month.

#### Banking

The Shire of Yalgoo has changed from NAB Online to NAB Connect. NAB Connect will enable easier processing of bill payments and wages when either CEO or DCEO is unavailable because it can be used from any computer with internet access instead of only the DCEO computer being able to run the banking program which was the case with NAB Online. The other benefits of NAB connect is advanced security, doesn't need a separate phone line to connect (therefore saving money) and bills can be paid with BPay which will decrease the amount of cheques needing to be drawn.

The following councillors have access to NAB Connect: Don Anderson, Ellen Rowe, Darryl Grey, and Terry Iturbide as well as the DCEO and CEO.

These councillors were selected on the basis of their accessibility to the internet. The NAB Connect introduction pack's will be available for the above mentioned councillors at the Council meeting on the 23<sup>rd</sup> April 2009.

#### Meetings

1/04/2009 Alex Oven, Manager Centrelink Geraldton  
 25/03/2009 Helen Kent, District Emergency Services Officer, Department of Child Protection  
 30/03 to 15/04/2009 Acting CEO  
 7/04/2009 Chris Neretlis, Manager Retail Services, Water Corporation

#### Future Meetings

24/04/2009 Adam Murszewski, Department of Sport and Recreation

#### Ranger Activity

Ranger visited 11 March 2009 and 31 March 2009  
 4 unregistered dogs destroyed  
 Litter of pups handed in for destruction

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

#### **C2009-0412 Deputy CEO Activity Report**

**Moved Cr TK Iturbide, Seconded Cr EC Rowe**

**That the Deputy CEO's Activity Report to 16 April 2009 be received.**

**Motion put and carried 5/0**

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

File:  
Author: Violet Rowe, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 17 April 2009  
Attachments: p.6 Material variances  
Finance (green): p.1 Financial Activity Statements for March 2009  
Balance Sheet  
Income Statement Detail  
Income Statement by Nature & Type  
Income Statement Summary  
Actual vs Budget  
Trust Balance Sheet

#### **MATTER FOR CONSIDERATION**

Council to consider adopting the monthly financial statements for March 2009.

#### **BACKGROUND**

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 20 June 2008 and became effective from 1 July 2008 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

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

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

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

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

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

#### **CONSULTATION**

None

COMMENT

A copy of the Statement of Financial Performance is attached to this item including additional information that council deemed appropriate to receive.

The area's where material variances have been experienced, i.e. either 10% or \$5000 above or below budget, are commented on in attachment C4.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-0413    Financial Activity Statements– March 2009**

**Moved Cr TK Iturbide, Seconded Cr EC Rowe**

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

**Motion put and carried 5/0**

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

File: N/A  
Author: Violet Rowe, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 15 April 2009  
Attachments: none  
Finance (green) p.38 EFT & Cheque Detail for March 2009

**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month of March 2009

**BACKGROUND**

Accounts paid are required to be submitted each month.

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996

- Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Payment from Council's Municipal Account

**CONSULTATION**

None

**COMMENT**

Payments made during the month of March 2009 as per attached schedule.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**C2009-0414 Accounts Paid during the month of March 2009**

**Moved Cr DP Morrissey, Seconded Cr EC Rowe**

**That –**

- 1. The Cheque Detail of payments covering vouchers EFT 1-35 totalling \$673,795.80 paid during the month of March 2009, be received;**
  - 2. Cheque payments covering cheque numbers 11064-11084 totalling \$16,197.50 paid during the month of March 2009, be received; and**
  - 3. Salaries and Wages totalling \$61,674.83 paid during the month of March 2009, be received.**
- Motion put and carried 5/0**

Note Total of cheque payments advised and corrected prior to the recommendation being moved and seconded

### **11.3.4 BUDGET 2009/2010 – Donations**

File: B3-1  
 Author: Violet Rowe, Deputy Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 15 April 2009  
 Attachments: None

#### **MATTER FOR CONSIDERATION**

To consider proposals for donations for the 2009/2010 financial year.

#### **BACKGROUND**

In preparing Council's Draft Budget, approval of donations prior to the budget meeting is required. Once this schedule has been approved Council may adopt it, with or without amendment, however this will not occur until the annual budget is adopted.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- S.6.2- requires that each year a local government prepare and adopt an annual budget.

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

Policy 7.6- Budget – Preparation Timetable

#### **FINANCIAL IMPLICATIONS**

Any donations approved by Council will be included in the 2009/10 draft Budget. Council in its 2008/2009 Budget has included \$1,500 of donations in account E168104.

#### **CONSULTATION**

None

#### **COMMENT**

The same amount that was approved in the 2008/2009 budget are proposed for the 2009/2010 year but with the addition of setting aside a portion of the funds for particular organisation's and purposes. The same recipients of donations that were approved in 2009/2010 are proposed for this year, as well as an additional amount to be donated to assist in the secondary schooling of two students from the Yalgoo Primary School. The proposed \$1500 member's donation can be broken down as follows –

#### **Previously donated and proposed to be included in the in 2009/2010 budget**

- \$100 Midwest Group Affiliated Agricultural Societies display at the Royal Show
- \$40 Meekatharra School of the Air for graduation gifts to student(s) to be increased in 2009-10
- \$240 (~\$20/month) to pay for the Medical oxygen supplied to the Paynes Find Royal flying doctor Service
- \$50 Yalgoo Primary School for graduation gifts to student(s) – to be replaced with the proposal following

#### **No history of donation and proposed for the 2009/2010 budget**

- Rolling 3 year scholarships – Discussions have been held between the CEO and Principal of Yalgoo Primary School regarding the possibility of the shire assisting two local students with their secondary school studies. It is proposed that –
  - two scholarships be funded each year
  - each would be for up to 3 years, subject to the student remaining in education
  - an initial amount in the 2009/2010 budget of \$150 per student for two students (totalling \$300),
  - it is intended that the amount of \$150/student/year would continue for the first three years of secondary school.
  - up to two successful year 7 students would be selected by the Yalgoo Primary School staff

- the scholarship would be paid direct to the secondary school the successful receipt attends to assist paying for items such items as fees, books and uniform.
- As this donation is intended to be paid over three years it is recommend that the donation amount would increase by the same amount as rates (perhaps rounded to the nearest \$5) for year 2 and 3 of the scholarship
- If the student discontinues attending their secondary education the donation would no longer be payable.
- It is intended that this be a rolling scholarship so that in year 3 of the program and thereafter, 6 amounts of \$150 (in 2009 dollars) would be paid or the then equivalent of \$900 per year
- increase Meekatharra School of the Air donation to \$100 for graduation gifts to student(s)

It should be noted that if the proposal for the Yalgoo Primary School scholarships is approved, it does commit Council to an on-going arrangement.

Discretionary Members Donations

\$760 is to remain unallocated and will be determined by council approval as the donation request arises

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

**C2009-0415    Budget 2009/10 Donations**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That proposed donations totalling \$1,500 in the 2009/10 draft Budget and that the donations to specific organisations be those detailed as follows –**

- \$100    Midwest Group Affiliated Agricultural Societies display at the Royal Show**
- \$100    Meekatharra School of the Air for graduation gifts to student(s) to be increased in 2009-10**
- \$240 approx. (~\$20/month) medical oxygen supplied to the Paynes Find Royal Flying Doctor Service clinic**
- \$300    Yalgoo Primary School – for Year 1 of rolling 3 year scholarships**
- \$760    discretionary allowance**

**Motion put and carried 5/0**

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

**C2009-0416    Establishment of a Rolling 3 Year Annual Scholarship**

**Moved Cr TK Iturbide, Seconded Cr EC Rowe**

**That Council approve the establishment of a rolling 3 year annual scholarship of \$150 in 2009 for up to two students, with the amount to be indexed each year.**

**Motion put and carried 5/0**

**13.3.5 ELECTED MEMBERS FEES AND ALLOWANCES 2009/2010**

File: B3-1  
 Author: Violet Rowe, Deputy Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 9 April 2009  
 Attachments: None

**MATTER FOR CONSIDERATION**

To determine the following elected members allowances and fees for inclusion in the 2009/2010 draft budget:

- Per meeting attendance fee for President, Deputy President and Councillors
- President’s allowance
- Deputy President’s allowance
- Monthly telecommunications allowance

**BACKGROUND**

The Local Government Act 1995 requires Council to determine the fees and allowances payable to Elected Members each year. The following fees and allowances were adopted by Council at its meeting on 17 April 2008 (refer Council Minute 13.3.4) and were included in the 2008/2009 Budgets:

- Attendance fee for elected members of \$140 per council and special meetings,
- Attendance fee for the President of \$220 per council and special meetings,
- Allowance for the President of \$6000 per annum,
- Allowance for the Deputy President of \$1000 per annum,
- Monthly telecommunication allowance \$50 per month for elected members,
- Travel allowance to be paid at Local Government Officers’ Award, currently \$0.737 per kilometre.

All fees and allowances are to be paid monthly in arrears.

**STATUTORY ENVIRONMENT**

Section 6.2 of the Local Government Act 1995 requires that each year a local government prepare and adopt an annual budget.

Meeting Attendance Fees – Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulations 30 and 34 of the Local Government (Administration) Regulations 1996.

President’s Allowance – Section 5.98 of the Local Government Act 1995 and Regulation 33 of the Local Government (Administration) Regulations 1996.

Deputy President’s Allowance - Section 5.98A of the Local Government Act 1995 and Regulation 33A of the Local Government (Administration) Regulations 1996.

Telecommunications Allowance – Section 5.99A of the Local Government Act 1995 and Regulation 34A of the Local Government (Administration) Regulations 1996.

Local Government (Administration) Regulations 1996 prescribe the maximum annual allowances payable and these are:

- Regulation 33 specifies the maximum annual allowance for a mayor or president is \$12,000 or 0.002 of the local government’s operating revenue, up to a maximum of \$60,000;
- Regulation 33A specifies the maximum annual allowance for a deputy is 25% of the mayor or president;
- Regulation 34 specifies the minimum annual attendance fee for elected members is \$2,400 and the maximum \$7,000. The minimum annual attendance fee for a mayor or president is \$6,000 and the maximum \$14,000; and
- Regulation 34A specifies the maximum annual telecommunications allowance is \$2,400.

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

Policy 7.6 Preparation timetable

**FINANCIAL IMPLICATIONS**

Allowances and fees endorsed by Council will be included in the 2009/2010 draft Budget.

**CONSULTATION**

None

**COMMENT**

Fees and allowances payable to elected members in accordance with the Local Government Act 1995 are either entitlements or discretionary.

Entitlements

Entitlements are fees, expenses and allowances that an elected member must receive should they request to receive them. Generally, Council can determine the amount to be paid within minimum and maximum parameters specified by legislation. Examples are elected members' attendance fees, the President's allowance and reimbursement of telecommunication equipment rental charges for a phone line and a fax line.

Elected members are entitled to attendance fees and these can be paid per meeting in which case the minimum amount payable is \$60 and the maximum \$140 and the amount paid cannot exceed \$7,000 per year; alternatively an annual attendance fee ranging from a minimum of \$2,400 to a maximum of \$7,000 can be set. The President is also entitled to attendance fees and on a per meeting basis they can range from \$120 to \$280 with the amount paid not exceeding \$14,000 per year; or an annual attendance fee ranging from \$6,000 to \$14,000 can be paid.

An allowance in recognition of the additional duties required of the President is entitled to be paid and can range from \$600 to \$12,000 or 0.002% of the local government's operating revenue provided the result does not exceed \$60,000.

Discretionary

Discretionary fees, expenses and allowances are those that Council has the right to determine whether they should be provided, and if so their amount. (For example, the Deputy President's allowance and annual telecommunications allowance.) Should Council decide to continue to pay a Deputy President's allowance, the maximum amount of the allowance is 25% of the President's allowance.

Council has previously determined that elected members will be provided a telecommunications allowance rather than reimbursement of telecommunication equipment rental charges. The maximum annual amount allowed is \$2,400 per member.

Suggested Fees for 2009/2010

A comparison of fees and allowances for the current financial years and the fees and allowances proposed for 2009/2010 are shown in the following table. The proposed allowances (president, deputy president and telecommunications) are based on the 2008/2009 allowances plus a minimum increase by the Local Government Cost Index. The Local Government Cost Index for the year ended 2008 is 4.4%. It is proposed all meeting attendance fees and travel allowance remain the same in the 2009/2010 draft budget as they did in the 2008/2009 budget.

	2008/2009	2009/2010
<b>PRESIDENT</b>		
- Council and Special Meeting Attendance Fee	\$220	<b>\$220</b>
- Committee Meeting Attendance Fee	\$70	<b>\$70</b>
- President's Allowance	\$6000	<b>\$6300</b>
- Telecommunications Allowance	\$50	<b>\$55</b>
- Travel Allowance-Local Government Officers' Award, per kilometre	\$0.737	<b>\$0.737</b>
<b>DEPUTY PRESIDENT</b>		
- Council and Special Meeting Attendance Fee	\$140	<b>\$140</b>
- Committee Meeting Attendance Fee	\$70	<b>\$70</b>
- Deputy President's Allowance	\$1000	<b>\$1050</b>
- Telecommunications Allowance	\$50	<b>\$55</b>
- Travel Allowance-Local Government Officers' Award, per kilometre	\$0.737	<b>\$0.737</b>



<b>COUNCILLOR</b>		
- Council and Special Meeting Attendance	\$140	<b>\$140</b>
- Committee Meeting Attendance Fee	\$70	<b>\$70</b>
- Telecommunications Allowance	\$50	<b>\$55</b>
- Travel Allowance-Local Government Officers' Award, per kilometre	\$0.737	<b>\$0.737</b>

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-0417    Elected Members Fees and Allowances 2009/10**

**Moved Cr TK Iturbide, Seconded Cr EC Rowe**

**That Council –**

- 1. Set a per meeting attendance fee for elected members of Council for Ordinary and Special Council meetings of \$140.00 for 2009/2010 and that this be paid monthly in arrears;**
- 2. Set a per meeting attendance fee for the President for Ordinary and Special Council meetings of \$220.00 for 2009/2010 and that this be paid monthly in arrears;**
- 3. That the President's Allowance be \$6,300.00 for 2009/2010 and that this be paid monthly in arrears;**
- 4. That the Deputy President's Allowance be \$1050.00 for 2009/2010 and that this be paid monthly in arrears;**
- 5. Set a per meeting attendance fee for Committee meetings of \$70.00 for 2009/2010 and that this be paid monthly in arrears;**
- 6. A telecommunications allowance be paid to elected members of \$55.00 per month paid in arrears;**
- 7. Determine a travel allowance be paid at the Local Government Officers' Award Rates currently \$0.737 per kilometre, for travelling to and from council, special council, committee and selected committees as per Council Policy 1.3**

**Motion put and carried by absolute majority 5/0**

### **11.3.6 DRAFT BUDGET 2009/2010 – CONSULTATION REQUESTS**

File: B3-1  
Author: Violet Rowe, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 9 April 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

Review requests from councillors, staff and the community for inclusion in the draft budget for 2009/2010

#### **BACKGROUND**

During 2007 it was resolved by Council to have a budget process in order to adopt timely budgets. Part of this policy was to ask councillors, staff and the community to submit requests for the draft budget. A advertisements requesting budget submissions was placed in the Yalgoo Bulldust in January 2009 and all councillors received a written and verbal request for submission at the March 2009 council meeting.

#### **STATUTORY ENVIRONMENT**

Local Government ACT 1995

Section 6.2–Requires that each year a local government prepare and adopt an annual budget.

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

Policy 7.6 Preparation of Annual Budget.

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

#### **COMMENT**

##### Community Requests

Submissions from the community were invited to be received until 27<sup>th</sup> February 2009. No submissions were received.

##### Councillor Requests

Cr Anderson requested that:

None

Cr Rowe requested that:

None

Cr Morrissey requested that:  
None

Cr Hodder requested that:  
None

Cr Iturbide requested that:  
None

Cr Grey requested that:  
None

#### Staff Requests

##### **Plant**

- **Holden Rodeo Foreman's vehicle change over twice in 2009/2010 (YA 899)**
- **Mitsubishi Pajero CEO car replacement (YA 0)**
- **Works crew vehicle's change over (YA 453 and YA 456)**
- Trade in Iveco for a Prime Mover
- Self Propelled Roller to be replaced
- 400 cubic foot compressor
- Mutli tyred drawn roller replacement

Please note bolded items were included in the Minor plant acquisitions program adopted in February 2008 to be replaced in 2009/2010.

##### **Gardens and Parks**

Beatification alongside the Geraldton Mount Magnet road

##### **Staff housing**

PA requests ceiling fans be installed at residence 27 Stanley St, Yalgoo WA

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

##### **C2009-0418 Draft Budget 2009/10**

**Moved Cr EC Rowe, Seconded Cr DP Morrissey**

**That the following items be included in the draft budget for 2009/2010:**

##### **Plant**

- **Holden Rodeo Foreman's vehicle changed over twice in year (YA 899)**
- **Mitsubishi Pajero CEO car replacement (YA 0)**
- **Works crew vehicle's change over (YA 453 and YA 456)**
- **Trade in Iveco for a Prime Mover**
- **Self Propelled Roller to be replaced**
- **400 cubic foot compressor**
- **Mutli tyred drawn roller replacement**

##### **Gardens and Parks**

- **Beatification alongside the Geraldton Mount Magnet road**

##### **Staff housing**

- **PA requests ceiling fans be installed at residence 27 Stanley St, Yalgoo WA**

**Motion put and carried 5/0**

**13.3.7 FEES AND CHARGES SCHEDULE – PROPOSALS FOR 2009/2010**

File: B3-1  
Author: Violet Rowe, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 17 April 2009  
Attachments: p.9 Draft 2009/2010 Schedule of Fees and Charges

**MATTER FOR CONSIDERATION**

Adoption of the draft schedule of fees and charges for the draft 2009/2010 budget.

**BACKGROUND**

In preparing Council’s Draft Budget, approval of the draft schedule of Fees and Charges prior to the budget meeting is required. Once this schedule has been approved Council must adopt it, however this will not occur until the annual budget is adopted.

**STATUTORY ENVIRONMENT**

Section 6.2 of the Local Government Act 1995 requires that each year a local government prepare and adopt an annual budget.

Section 6.16 of the Local Government Act 1995 states in part that a local government may impose and recover a fee or charge for any goods or services it provides or proposes to provide; and that fees and charges are to be imposed when adopting the annual budget.

Section 53 (2) Cemeteries Act 1986 states that a fee or charge set by resolution under subsection (1) shall not come into effect until not less than 14 days notice of the fee or charge has been given in the Gazette.

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

7.6 Annual Budget Preparation timetable

**FINANCIAL IMPLICATIONS**

The draft fees and charges when adopted will determine the amount of revenue to be included in the 2009/2010 draft budget. There is a small cost for placement of Cemetery Fees and Charges in the Government Gazette.

**CONSULTATION**

None

**COMMENT**

The schedule attached shows the Fees and Charges that was adopted for the 2008/2009 financial year on the right side of schedule and the proposed Fees and Charges for 2009/2010 are shown on the left side of schedule.

**VOTING REQUIREMENT**

Absolute majority.

**OFFICER RECOMMENDATION**

That Council approve the ‘2009/2010 Proposed Fees’ as outlined in the attachment for inclusion in the draft 2009/2010 budget.

**COUNCIL DECISION**

**C2009-0419 Proposals of Fees and Charges schedule for 2009/10**

**Moved Cr DP Morrissey, Seconded Cr L Hodder**

**That Council approve the ‘2009/2010 Proposed Fees’ as outlined in the attachment for inclusion in the draft 2009/2010 budget, with the addition in Private Works, for wet hire of forklift at \$75 /hr+GST.  
Motion put and carried by absolute majority 5/0**

## **11.4 ADMINISTRATION**

### **11.4.1 CEO – ACTIVITY REPORT – March/April 2009**

File: N/A  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 12 March 2009  
 Attachments: p.14 Copy of emails re Yalgoo and Paynes Find Airstrip grants

#### Use of Common Seal

None

#### Use of Delegated Authority not elsewhere reported

None

#### Airstrips – RASP and RADS applications

Due to time constraints an application was not able to be completed for the Regional Aerodrome Development Scheme. In preparation for the Regional Airport Safety Program, the consultants preparing the application spoke with Aerodrome Management Services, who suggested that neither application for either grant was likely to be successful, unless there is a clear Management Plan for the airstrips in place.

Accordingly, the consultants were requested to discontinue the applications at this time, and pursue funding from the Mid West Development Commission in August for the preparation of management plans for both Yalgoo and Paynes Find Airstrips.

#### Fitness for Work / Drug and Alcohol testing

Drug screening testing was carried out of all Shire staff available on 2 April 2009, with 13 of 16 staff being tested on that day, 1 person tested early the following week, with 2 employees unavailable.

Results were supplied to me by secured electronic document only – no fax or hard copy. Confirmatory testing where needed was obtained.

#### ADSL Broadband

With Mark Canny of Mid West Development Commission, a grant application was made to Royalties for Regions to assist with broadband / ADSL connection for Yalgoo

#### Roads to Recovery

Advice has been received from Hon. Anthony Albanese MP, Federal Minister for Local Government, that our Roads to Recovery funds for 2009/10 to 2013/14 (95 years) will be \$1,523.462 in total or \$304692 each year

#### Meetings

19 March	Lou Tatasciore, Dept of Community Development, and Jenny Tatasciore, Dept of Child Protection re Healthy Community Project and other matters
24 March	Local Government Managers Association branch meeting
25 March	Helen Kemp, Dept of Child Protection, re emergency planning
30 Mar-9 Apr	2 weeks leave
2 April	Ian Carter, CEO, Andrew Hall, General Manager Community Services, and John Berger, Executive Manager Operations re: Healthy Community Project
16 April	Andrew Klein, WACHS-MW, re Yalgoo health services

#### Future commitments

20 April	Kevin Green, Veolia Environmental Services re: options for rubbish collection and possibly disposal, and recycling.
21 April	with President, meeting with President and CEO, Shire of Mullewa re: structural reform – TBC
22 April	with President, meeting with President and CEO, Shire of Dalwallinu in Paynes Find re: structural reform
24 April	Adam Murzewski, Dept of Sport and Recreation, with DCEO
25 April	ANZAC Day breakfast
4 May	Local Government Reform Conference in Perth

7 May Murchison Exec Group Mtg in Cue – TBC  
8 May Murchison Country Zone meeting in Cue  
14 May Wayne McDonald, MWDC, and Tim Acker, consultant, re Murchison Arts

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-0420 CEO Activity Report**

**Moved Cr TK Iturbide, Seconded Cr EC Rowe**

**That the CEO's Activity Report to 16 April 2009 be received.**

**Motion put and carried 5/0**

#### **11.4.2 SUPERANNUATION ON OVERTIME**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 16 April 2009  
Attachments: p.17 copy of Aust Tax Office advice  
p.27 copy of emails to/from Workplace Solutions

#### **MATTER FOR CONSIDERATION**

Advice of progress of investigation to date regarding the requirement for payment of 9% superannuation levy on overtime earnings.

#### **BACKGROUND**

As reported in February 2009, following enquiries, the advice of WALGA Workplace Solutions was sought on the payment of the 9% Superannuation Guarantee (occupational) on overtime payments. Despite enquiries by the previous Deputy CEO, and myself to a range of sources, including research of the Aust Taxation Office website, with the response that superannuation is not paid on overtime, the advice from Workplace Solutions this time, indicated that overtime earnings may be eligible for the 9% SG.

The current ATO ruling is not clear, since in addition to the flat statement that 9% SG is not paid on overtime, examples are then given as to when it might necessary to pay the 9% SG. There is a new ruling “clarifying” the original advice that runs for much longer than the original. Their explanation as to additional circumstances when 9% SG is paid, is even less clear.

The “clarifying” ruling, will not come into force until April 2009, but its interpretation will be backdated to 1 July 2008. The current ruling was issued in 1994, and the Superannuation Guarantee Act was enacted in 1992.

The ATO were then requested to advise as to what is the actual circumstances, as a matter of urgency.

Until there is a clear outcome from the ATO, and if necessary reported to Council for instructions, staff responsible for purchasing have been advised that all discretionary expenditure is suspended. Current commitments will be met, and essential payments made.

Acknowledgment of the enquiry was received by the March Council meeting and the ruling has now been received.

#### **STATUTORY ENVIRONMENT**

Superannuation Guarantee Acts 1992  
Local Government Officers Award  
Municipal Employees Award

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

Very significant – rough estimate of \$170,000 on superannuation only, excluding any penalties or interest that the ATO may apply

#### **CONSULTATION**

Australian Taxation Office  
Murchison area CEOs  
Workplace Solutions, and UHY Haines Norton

#### **COMMENT**

Aust Tax Office advice is –

How are the ordinary hours of work to be determined for the purposes of the definition of 'ordinary time earnings' in subsection 6(1) of the Superannuation Guarantee (Administration) Act 1992 (SGAA), for a group of employees, who are

employed and paid by the Shire of Yalgoo, that are required to work hours in excess of the ordinary hours contained in the Municipal Employees (Western Australia) Award 1999?

The ordinary hours of work for the purposes of the definition of 'ordinary time earnings' in subsection 6(1) of the SGAA will be a combination of the ordinary hours of work specified in the Municipal Employees (Western Australia) Award 1999, plus any additional hours worked above the maximum per period of time where those hours are worked on a regular/customary basis.

The ATO advice is binding, subject to some very limited conditions.

As the date of application of the revised ruling is unclear, I contacted the ATO officer's supervisor who advised that although the ruling applies only from 1 July 2008, it is a clarification or interpretation, and is not law. He was emphatic that the legislation applies from 1 July 1992. As it is an employee entitlement, required by law, there is effectively no leeway for the ATO Commissioner to waive any requirement, unlike a tax where the Commissioner does have some discretions.

In other words, we will have to back pay superannuation on overtime to 1 July 1992, and pay any interest or penalties assessed.

Very roughly, with the DCEO, we calculated that the initial direct 9% superannuation cost could be in the order of \$170,000. With penalties and loadings, if compounding, the figure could reach \$350,000 to \$400,000. Please note that these figures are extremely rough estimates, and should not be considered as accurate.

Following receipt of the advice for the ATO and their phone comments, the matter was advised to WALGA Workplace Solutions, as there was the possibility of other Councils being affected, and if so, there would be strength in cooperative negotiations.

WALGA also referred the matter on to UHY Haines Norton, as they are the tax advisors for WALGA. WALGA or Haines Norton will also be alerting other Councils throughout the State regarding the ruling.

Their advice to this point is to not rush, but to wait for recommendations from them, as they and Haines Norton will raise the issues with the ATO.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-0421    Superannuation on Overtime**

**Moved Cr DP Morrissey, Seconded Cr EC Rowe**

**That the report of the CEO be noted, and the actions endorsed.**

**Motion put and carried 5/0**



### **11.4.3 ANNUAL ELECTORS MEETING RECOMMENDATIONS**

File: E5  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 16 April 2009  
Attachments: none

#### **MATTER FOR CONSIDERATION**

To consider the recommendations of the Annual Electors Meeting, as required.

#### **BACKGROUND**

The Annual Electors Meeting was held on 19 March 2009. The Local Government Act 1995 requires that any decisions from an Electors Meeting must be considered at the next Meeting of Council.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.5.2 – Council is to ensure an appropriate structure for administration of the local government
- s.5.33 – decisions of an electors meeting must be considered at the next ordinary meeting of Council or a special meeting called for that purpose

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Annual Electors Meeting of 19 March 2009

#### **COMMENT**

One decision was made at the Annual Electors Meeting, and the comment and recommendation from Item 5.2 being –

#### **5.2 RAILWAY RESERVE – Car bodies**

Cr Iturbide queried whether there is any need for the painted car bodies on the Railway Reserve to remain. They had previously been used as an HCP activity some 4-5 years ago.

#### **E2009-0303 Removal of old car bodies on Railway Reserve**

Moved Cr EC Rowe, Seconded Cr TK Iturbide

That it be recommended to Council that the old painted car bodies on the Railway Reserve, previously used as a HCP activity, be removed.

Motion carried

The car bodies have passed their “use-by date” and are looking more than a little tired.

#### **VOTING REQUIREMENTS**

Absolute majority

#### **OFFICER RECOMMENDATION/ COUNCIL DECISION**

#### **C2009-0422 Annual Electors Meeting Recommendations**

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That the old painted car bodies on the Railway Reserve, previously used as a HCP activity, be removed.

Motion put and carried by absolute majority 5/0

#### **11.4.4 LOCAL GOVERNMENT REFORM CHECKLIST**

File:  
Author: Niel Mitchell  
Interest Declared: No interest to disclose  
Date: 16 April 2009  
Attachments: p.30 Checklist – draft response

#### **MATTER FOR CONSIDERATION**

To further consider draft response to the Minister's request for information

#### **BACKGROUND**

The Minister, following his announcement of amalgamations, formed a Structural Reform Advisory Committee, who are seeking information. This checklist has been requested by the minister and DLGRD by the end of April 2009.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

#### **STRATEGIC IMPLICATIONS**

Response to Minister's structural reform announcement

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

CEO's of Cue, Mt Magnet, Meekatharra, Murchison, Sandstone, Wiluna

#### **COMMENT**

The Checklist is clearly structured to gain answers to support amalgamation. The Guidelines makes it clear that regional groupings of local governments are not going to be a factor in avoiding amalgamation, and are preferences are only being requested for after amalgamation purposes. Council is referred to –

- Guidelines attached p.8, item 2.1 – how the preferred amalgamated structure will improve social, economic and environmental capacity ...
- FAQ p.3 near bottom of page – “The Minister has requested that all 139 local governments provide their clear intention to him on amalgamation ...”
- FAQ p.3 at top – “Membership of regional groupings is encouraged as part of the reform process but they should not be considered an alternative to amalgamations ...” (emphasis added)

The Checklist is not due to the Steering Committee until 30 April 2009. Please note other dates in the timeframes document circulated for the March Meeting of Council.

There is no statutory requirement for the Checklist to be submitted, and I am aware that some Council are reputed to be refusing to do so. However, it would appear that most are complying with the request.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2009-0423 Local Government Reform Checklist**

**Moved Cr DP Morrissey, Seconded Cr EC Rowe**

**That the attached checklist be submitted to the Department for Local Government and Regional Development.**

**Motion put and carried 5/0**

#### **11.4.5 MURCHISON COUNTRY ZONE – May 2009 Meeting**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 16 April 2008  
Attachments: none

#### **MATTER FOR CONSIDERATION**

To consider any matters to be made to the Zone.

#### **BACKGROUND**

The MCZ meets in Cue every six months, with policies and government agencies in attendance. The next meeting is due to be held on Friday 8 May.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

Council Policy 1.7 External Organisations – Council Representatives, provides that –

1. Council nominates the following people to the external organisations listed –
  - Murchison Country Zone of WALGA –
    - o Delegate/s (2) – Crs Anderson, Rowe
    - o Deputy delegate/s – Cr O'Connor
2. Nominations as Council representatives to external organisations are to be reviewed at the first meeting following the ordinary Local Government elections, and new nominations to be delegates until the meeting following the next ordinary Local Government elections, subject to the provisions of the Local Government Act
3. Should a representative or deputy representative resign their nomination or become disqualified to continue as a Councillor, their nomination lapses immediately, and Council will decide a new nomination at the next meeting.
4. Subject to the Constitution or Rules of the Organisation, if precedence needs to be determined due to unavailability or for some other reason, the order of priority will be –
  - a) Council's nominated representative/s
  - b) Council's nominated deputy representative/s
  - c) President
  - d) Deputy President
  - e) Past Presidents in order of most recent retirement
  - f) Councillors in order of length of service
  - g) CEO

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

The Deputy Delegate to the Murchison Zone, is currently listed as Cr Lorraine O'Connor, whose resignation was effective immediately following the February 2009 Council meeting.

Under the terms of the Policy, it is not critical that a replacement be appointed.

The MCZ Executive Officer, Mr Murray Brown has also invited submissions for the Meeting Agenda, and advised that the Minister for Local Government, Hon. John Castrilli MLA, is expected to be at the meeting.

The MCZ welcomes observers to the meetings.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2009-0424    Murchison Country Zone Meeting May 2009**

**Moved Cr DP Morrissey, Seconded Cr L Hodder**

**That Cr TK Iturbide be appointed as Council's deputy delegate to the Murchison Country Zone.**

**Motion put and carried 5/0**

Note    Reinstatement of handgun licences for pastoralists needs to be pursued. The statement by Hon. Rob Johnston MLA, Minister for Police, that pastoralists are happy to hand over the hand guns is incorrect.

#### **11.4.6 MID WEST DEVELOPMENT COMMISSION – Nominations**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 16 April 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

Nominations for the Board of the Mid West Development Commission have been invited.

#### **BACKGROUND**

Nomination period has been extended to 24 April 2009

#### **STATUTORY ENVIRONMENT**

None

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

Nominations for the Board of the MWDC for two local government representatives were extended to 24 April 2009, as the original closing date did not allow Councils to make a formal nomination.

This closing date will be strictly adhered to, and all papers must be at the MWDC by close of business.

Current local government representatives are (extracted from MWDC website) –

- Cr Robyn Parsons, Chairperson – Robyn has been involved in Local Government since 1988 occupying the role of President of the Irwin Shire council since 1999. Robyn is involved in various committees in the community and is currently Chairperson of the Port Denison Retirement Village Committee. Robyn was awarded "The Achievement Award" in the 1999 Institute of Professional Secretaries and Administrators WA Division. In 2001 Robyn was a Finalist in the Commonwealth Government Private Sector Category for the Telstra WA Business Women's Awards. In 2006 Robyn was appointed to the Central West College of TAFE Governing Council. Robyn was appointed as a Ministerial member of the MWDC Board in 2003 for a period of three years. In 2006 she was re-appointed for a further three year term as Deputy Chairperson.
- Cr Simon Broad – Simon's family are pastoralists at Milly Milly Station in the Murchison Shire. He has served on the Murchison Shire Council since 1987 and is currently Shire President. In recent years he has been a strong influence in the Shire developing the Murchison Community Futures Plan, which led to a tripartite arrangement with the Shire, Mid West Development Commission and CSIRO to progress a diversification plan for the Shire and the greater Murchison area. Simon was also a member of the Carnarvon Regional Advisory Committee for many years and in 2002 was appointed to the new Carnarvon Zone Control Authority. Simon was re-appointed as a Local Government member in 2006 for a term of three years.

Council may wish to propose a new nomination, or endorse a nominee from another Council.

#### **VOTING REQUIREMENTS**

Simple majority

#### **RECOMMENDATION**

To be determined by Council

#### **RECEIVED**

**12. NOTICE OF MOTIONS**

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**12.1 PREVIOUS NOTICE RECEIVED**

None

**12.2 FOR CONSIDERATION AT THE FOLOWING MEETING**

None

## **13. URGENT BUSINESS**

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### **ADMISSION OF URGENT BUSINESS**

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION / COUNCIL DECISION

#### **C2009-0425 Admission of Urgent Business**

**Moved Cr TK Iturbide, Seconded Cr EC Rowe**

**That Council admits the following additional matters for discussion and decision –**

**13.1 – Works currently on hold**

**13.2 – Councillor Resignation and Representation**

**13.3 – WA Local Government Grants Commission – Nomination**

**Motion put and carried 5/0**

### **13.1 WORKS CURRENTLY ON HOLD**

File: N/A  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 22 April 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

To determine which works if any, currently on hold, are to proceed.

#### **BACKGROUND**

As reported in February 2009, works that are non-essential were all put on hold until such time as the issue relating to payment of 9% superannuation guarantee on overtime earnings was resolved.

This matter has come to the fore now as the dual use path grant needs to be invoiced by 15 May 2009, and can no longer be deferred without losing the funds.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

Although these works are in Budget, the impact could be significant, as the 9% Superannuation Guarantee is a legal entitlement, and may require redirection of funds.

#### **CONSULTATION**

None

#### **COMMENT**

As noted previously in the Agenda for the April Meeting, there is likely to be the requirement for a substantial payment to the Australia Taxation Office for 9% Superannuation Guarantee (9%SG) obligation. As noted, a very rough estimate is for a minimum of \$170,000 relating to earnings back to 1 July 1992.

The matter has been referred to WALGA Workplace Solutions, and to WALGA tax accountants, UHY Haines Norton, and a response is still awaited from both. John Phillips of WALGA who is managing the further enquiries for us, is currently in Alice Springs, due to return to the WALGA office on 24 April 2009. As I understand it, they were going to be discussing the issue with the ATO, and this could take some time. Finalisation of negotiations may not be until after 30 June 2009. Given this, it would be appropriate to establish a Reserve Account, should payment not be made, or matters finalised by 30 June. 2009.

Any funding authorised from a Reserve lapses as of 30 June 2009, and in order to be expended, must be again be disclosed and have provision made in the 2009/2010 Budget. Authorisations of expenditure do not carry over from one financial year to the following financial year.

Some of the works that have been put on hold have deadlines, conditions or policy directions associated with them, and as it could be several weeks before a final reply from WALGA or UHYHN is received, direction of Council is sought as to which matters should proceed, and which should remain in abeyance.

Essentially, the instruction to staff responsible for purchasing since the beginning of February 2009 has been that only the following are to proceed, until otherwise advised –

- works to ensure safety, public health etc – repairs needed for vehicles to be roadworthy, road damage, electrical, new trench at Paynes Find tip etc
- works that are fully funded by grants etc
- works necessary to maintain the employment of staff – fuel for vehicles for road maintenance etc



- purchases of items or services previously committed to

Activity	Net Budget Expenditure	Funded from			Deadline / Condition / Comment
		Municipal	Reserves	Grants	
Relocate units	200,000		200,000		Unlikely in 2008-09, but investigation directed
Upgrade septic at units	25,000	25,000			Unlikely in 2008-09, should be deferred until after relocation is decided
Purchase Lot 217	20,000	20,000			Still under investigation due to conditions on sale by State Land Serv.
Purchase land Gibbons St – net balance	6,000	6,000			Purchase price reduced from 12,000 to 6,000
Purchase land – Anglican Church – only tfr fees req'd	6,000	6,000			
Purchase old MRWA depot	50,000	50,000			Declined by MRWA
Old Railway Stn – - shift leach drains & septic	18,000	3,000	15,000		Unlikely in 2008-09
Change-over works ute	10,000		10,000		1 in Budget but Policy is at 40,000km now both now over 50,000km
Entry statements – solar lights	12,000	6,000		6,000	
Community Park – gazebos, BBQs etc	100,000			100,000	Grant paperwork now received and ready to go.
Depot – staff room	35,000	35,000			
Dual use paths	80,000	41,000		39,000	Must invoice grant by 15 May
2 houses – (estimates) - concreting – driveways etc - landscaping etc - other minor	14,000 10,000 6,000		14,000 10,000 6,000		
Forklift - changeover	18,000		18,000		Unlikely in 2008-09
Guide posts and advisory signs - additional needed to complete	40,000	40,000			
<b>TOTALS</b>	<b>650,000</b>	<b>232,000</b>	<b>258,000</b>	<b>160,000</b>	

Given the possible severity the impact on finances, Council needs to consider which matters need to be discontinued, in order to save our own funds, even if it may forgoing grant funds.

One matter that also needs to be borne in mind is that although the Royalties for Regions grant must be spent on infrastructure, and Council has resolved to allocate these funds in full to recreation facilities, it would be possible to direct a portion of these funds to appropriate infrastructure projects in 2009-10, and use the funds normally applied by Council from own resources or from Reserve, to meet the 9%SG obligation.

If this course is pursued, before expenditure is made –

- the previous resolution of Council will need to be revoked, and alternative directions given, and
- any expenditure from Reserve –
  - o in 2008-09 would require an absolute majority, advertising for comment etc, or
  - o specific reference to change of purpose of Reserve or alternate use of the funds of the Reserve to be clearly disclosed in the 2009-10 Budget

R4R grant funds may be able to be used to replace Municipal or Reserve expenditure of \$282,000 for –

- relocation of units
- solar lights
- depot staff room
- dual use paths

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

**C2009-0426    Works Currently on Hold to Proceed**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That the following works proceed –**

- |  |   |
|--|---|
| - changeover of both works utes                    | estimated net cost of \$30,000 to Municipal |
| funds  |   |
| - Entry statements – solar lights                  | 6,000                                       |
| - Depot – staff room                               | 35,000                                      |
| - Dual use paths                                   | 41,000                                      |
| - 2 houses – concreting driveways, landscaping etc | 30,000                                      |

**Motion put and carried 5/0**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

**C2009-0427    Review of the Surplus Funds at the Meeting of June 2009**

**Moved Cr TK Iturbide, Seconded Cr EC Rowe**

**That surplus funds anticipated for 30 June 2009, be reviewed at the June 2009 Meeting, and if deemed appropriate or necessary, a Reserve created to assist meeting the Superannuation Guarantee obligations.**

**Motion put and carried 5/0**

## **13.2 COUNCILLOR RESIGNATION AND REPRESENTATION**

File:  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 23 April 2009  
 Attachments: None

### **MATTER FOR CONSIDERATION**

To consider the resignation of Cr Darryl Grey and a reduction in councillor representation from seven to six.

### **BACKGROUND**

Cr Grey has given written notice of his resignation effective as of 22 April 2009.

Council would also be aware of the Minister's intention as part of the structural reform program announced, regarding Councillor Representation. In addition to the push for amalgamations, the Minister's stated intention is that there should be only 6 to 9 elected members.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 - The following framework applies for changes to representation under the Local Government Act 1995 –

#### Members of council

Section 2.17(2) - If the method of filling the office of mayor or president is election by the council, the council is to consist of not less than 6 nor more than 15 councillors.

#### Changing the number of councillors

Section 2.18(3) - The Governor, on the recommendation of the Minister may make an order to change the number of councillors as changing the councillors for a ward or a combination of these.

Section 2.18(4) - The Minister can only make a recommendation if the Local Government Advisory Board (LGAB) has made a recommendation under Schedule 2.2.

*(Clause 8(b) of Schedule 2.2 applies in this instance).*

#### Local government may propose ward changes or make minor proposals

Schedule 2.2(5) - A local government, whether or not it has received a submission may –

- a) Carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18(3) should, in the council's opinion be made;
- b) Propose \* to the LGAB, the making of an order under Section 2.2(1), 2.3(3) or 2.18(3) if in the opinion of council the proposal is –
  - i) One of a minor nature; and
  - ii) Not one about which public submissions need be invited;

or

- iii) Propose \* to the Minister the making of an order changing the nature of the district or a ward.

*\*Absolute majority required*

#### Reviews

Schedule 2.2(7) – Before carrying out a review, a local government has to give local public notice advising –

- a) That the review is to be carried out; and
- b) That submissions can be made on not less than 6 weeks after notice is given (date to be fixed). The local government is to consider the submissions made.

#### Recommendation by Advisory Board

Schedule 2.2(10)(1) - Where under clause 5(b) a local government proposes to the LGAB the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the LGAB is of the opinion that the proposal is –

- (a) One of a minor nature; and
- (b) Not one about which public submissions need be invited, the LGAB in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.

### **STRATEGIC IMPLICATIONS**

Reduction in number of Councillors

### **POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

There will be costs in two areas if a formal review is undertaken. These are identified as:

- Advertising giving local public notice of a review,
- Preparation of a discussion paper.

A reduction in councillor numbers would mean modest savings in attendance fees, travelling, councillor training expenses and other incidental expenses.

**CONSULTATION**

Darryl Forrest, DLGRD

Ross Earnshaw, Local Govt Advisory Board

Much of this report is based on previous advice to Council in March 2007 by the Acting CEO, Mr Glenn Bone.

**COMMENT**

Cr Grey has advised of his resignation from Council effective 22 April 2009. It is appropriate to consider whether the Shire could be adequately served by six elected members, rather than seven.

This matter requires immediate decision, as there are several options open to Council, each of which has its own timeframes and deadlines –

1. retain seven elected members – In which case a decision needs to be made as to either –
  - an extraordinary election, within 4 months of effective date of resignation, that is, by 22 August 2009, or
  - request the Electoral Commissioner the vacancy remain unfilled until an extraordinary election to be held concurrently with Local Government elections on 17 October 2009
2. reduce to six elected member – in which case application to the Local Government Advisory Board needs to be made as soon as possible so that the changes can be made prior to the commencement of the 2009 elections process

Extraordinary election

Under the Local Government Act s.4.9 (1) a date for an extraordinary election is to be set by either the President or Council within one month of notice of resignation being received, unless –

- application is made for the vacancy to remain unfilled until the next local government elections date, subject to conditions and requirements
- the number of elected members is reduced

Vacancy to remain unfilled

As the effective date of resignation is after the third Saturday of January in a Local Government election year, Council may resolve to request the permission of the Electoral Commissioner for the seat may remain vacant until the elections, in accordance with the Local Government Act s.4.16 (4).

However, s.4.17(3) stipulates that the vacancy can remain unfilled, only if 80% of positions are occupied. As 80% of 7 councillors is 5.6, it is possible that 80% would be considered to be 6 elected members.

The current vacancy left by former Cr O'Connor, has been approved to remain unfilled until the Local Government Elections in October 2009.

Should Council decide not to seek to reduce the number of elected members from seven to six, there will need to be an extraordinary election held, either as per the LG Act timetable (within 4 months of the vacancy occurring, i.e. by 22 August 2009), and therefore prior to the October 2009 elections, or alternatively, to seek the approval of the Electoral Commissioner to defer the extraordinary election until 17 October 2009, and hold concurrently with the general local government elections.

Reduction in Number of Elected Members

Council's base position is that it carried out a review of wards and representation in 2003 which resulted in the current position of a no ward or district ward system. From a legislative point of view, a local government without wards is not required to carry out regular reviews under the provisions of Schedule 2.2 of the Local Government Act 1995. However, a local government without wards can undertake an assessment of the number of elected members and the no ward system to explore whether change is desirable.

Current representation

2009 \_\_\_\_\_

2011 \_\_\_\_\_

Cr DP Morrissey  
 Cr EC Rowe  
 Vacant (Cr LJ O'Connor)

Cr DE Anderson  
 Cr L Hodder  
 Cr TK Iturbide  
 Vacant (Cr DJ Grey)

The Shire Consolidated Electoral Roll for the 2007 elections records 195 electors resulting in a ratio of one councillor to approximately 28 electors – amongst the smallest elector to councillor ratios in the State.

If the number of elected members is reduced to 6, the re will be a ratio of one councillor to approximately 33 electors. This is still amongst the smallest elector/councillor ratios in the State, however, the Act does not permit fewer than six councillors.

There are 16 local governments with less than 50 electors per elected members –

Elected members	Council	Electors	Ratio	Ranking (fewest)
6	Sandstone	71	11.8	1
	Woodanilling	248	41.3	12
7	Cue	227	32.4	8
	Menzies	278	39.7	10
	Murchison	106	15.1	2
	Nungarin	166	23.7	4
	Trayning	341	48.7	16
	Upper Gascoyne	131	18.7	3
	Wandering	213	30.4	7
	Westonia	197	28.1	6
	Wiluna	325	36.4	9
	<b>Yalgoo</b>	<b>195</b>	<b>27.9</b>	<b>5</b>
8	Koorda	327	40.9	11
9	Laverton	413	45.9	14
	Mt Magnet	406	45.1	13
	Mukinbudin	421	46.8	15

2009 WA Local Government Directory (WALGA)

There is of course no magic figure as to what is the optimum ratio, however one can observe from the above there are currently a number of other small local governments who function with seven or less councillors.

The Minister and the LGAB is keen to see local governments with smaller councils, this trend has also been apparent where the state government has had a hand in the re-shaping of certain local governments. This occurred with the split up of the City of Perth and the creation of the Towns of Cambridge, Victoria Park and Vincent. Each of these has a population greater than 24,000 and function with a council of nine. Other examples include the Shire of Augusta-Margaret River and York as mentioned above.

Overall, there is nothing to suggest that six members for Yalgoo would not be unreasonable and would make little difference to operations under the existing regime, as one position is vacant. Over the past 2 years, there have been several occasions where Council has operated for periods with only six elected members.

In conclusion there are three choices available to Council on the question of structural reform –

- Retain the status quo (ie, not initiate a review and therefore retain council representation at 7, or
- Initiate a review of representation and follow the procedure set down in the LG Act 1995; or
- propose to the LGAB the making of an order for the reduction of offices of councillor on council from 7 to 6 under section 2.18(3) if in the opinion of council the proposal is –
  - i) One of a minor nature; and
  - ii) Not one about which public submissions need be invited.

The last dot point above is the favoured outcome for the following reasons –

- A reduction of one councillor will embrace the concept of structural reform as portrayed by successive State governments, and being pursued by the Minister.
- There is an ideal opportunity now for Council to pursue this avenue due to the existing vacancy which would otherwise be filled by an extraordinary election.
- Council will be able to demonstrate cost savings to its membership section through reduced expenses.

- There is no evidence of hardship or lack of effectiveness by other local governments who have 6 members.
- By proposing the making of an order under section 2.18(3) and the declaration by council the proposal is a minor one, there will be a significant saving in public advertising and administrative procedures.

This process was recommended by Council and accepted by the LGAB and Minister in 2007, following the resignation of Cr McSporran.

If the reduction in numbers take immediate effect, it avoids any complications with the requirement for 80% of seats to remain filled.

#### VOTING REQUIREMENTS

Absolute majority

#### OFFICER RECOMMENDATION 1/ COUNCIL DECISION

##### **C2009-0428    Proposal to reduce the number of Councillors with immediate effect**

**Moved Cr EC Rowe, Seconded Cr DP Morrissey**

**That Council propose to the Local Government Advisory Board the making of an order under section 2.18(3) of the Local Government Act 1995 to reduce the number of offices of councillor from seven (7) to six (6), with immediate effect, and in so doing determine it is the opinion of Council the proposal is –**

- **one of a minor nature; and**
- **not one about which public submissions need be invited.**

**Motion put and carried by absolute majority 5/0**

#### VOTING REQUIREMENTS

Absolute majority

#### OFFICER RECOMMENDATION 2/ COUNCIL DECISION

##### **C2009-0429    Approval of Electoral Commissioner to defer election be sought**

**Moved Cr TK Iturbide, Seconded Cr EC Rowe**

**That, should the Minister not approve the immediate reduction in number of elected members from seven to six, the approval of the Electoral Commissioner under the Local Government Act s.4.16 (4) be sought to defer the extra-ordinary election to fill the vacancy created by Cr Grey's resignation, until October 2009.**

**Motion put and carried by absolute majority 5/0**

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 3/ COUNCIL DECISION

##### **C2009-0430    Extra-ordinary Election**

**Moved Cr EC Rowe, Seconded Cr DP Morrissey**

**That, should the Minister not approve the immediate reduction in number of elected members from seven to six, and the Electoral Commissioner not approve deferral of the extra-ordinary election of under the Local Government Act s.4.16 (4), that the extraordinary election to fill the vacancy left by Cr Grey be held on Saturday, 15 August 2009, being the Saturday prior to the August Council meeting.**

**Motion put and carried 5/0**

COUNCIL DECISION

**C2009-0431    Letter of Appreciation**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That a letter of appreciation be sent to Cr Darryl Grey for his time and commitment to Council and Murchison Region Vermin Council.**

**Motion put and carried 5/0**

### **13.3 LOCAL GOVERNMENT GRANTS Commission – Nomination**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 23 April 2009  
Attachments: None

#### **MATTER FOR CONSIDERATION**

To consider support for the nomination of Cr Beth Walton of Shire of Sandstone.

#### **BACKGROUND**

WALGA has invited nominations for a range of Committees

#### **STATUTORY ENVIRONMENT**

None

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Bill Atkinson, CEO Shire of Sandstone

#### **COMMENT**

In discussion with Mr Bill Atkinson, it was noted that Cr Beth Walton, President of the Shire of Sandstone, and President of the Murchison Country Zone WALGA, is interested in nominating for the position of Deputy Country Rural Member for the WA Local Government Grants Commission.

Appointments to the LGGC are made by the Minister from a panel of names put forward by WALGA.

Advice of nominations was in the Information Bulletin received 22 April 2009, now circulated to Councillors.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION/ COUNCIL DECISION**

#### **C2009-0432 Local Government Grants Commission Nomination**

**Moved Cr TK Iturbide, Seconded Cr EC Rowe**

**That Council support the nomination of Cr Beth Walton of Shire of Sandstone as Deputy Country Rural Member for the WA Local Government Grants Commission.**

**Motion put and carried 5/0**



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

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None

## **15. NEXT MEETING**

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The next Ordinary Meeting of Council is due to be held on Thursday, 21 May 2009, commencing at 11.00 am.

As Ms Jenni Law from the Dept of Local Government and Regional Development will be attending to provide a Councillors and senior staff training session, it is suggested that the meeting commence at 1.00pm

### **VOTING REQUIREMENTS**

Simple majority

### **OFFICER RECOMMENDATION/ COUNCIL DECISION**

#### **C2009-0433 Next Council Meeting**

**Moved Cr TK Iturbide, Seconded Cr DP Morrissey**

**That the Ordinary Council Meeting of 21 May 2009 commence at 1.00pm.**

**Motion put and carried 5/0**

#### **C2009-0434 Leave of Absence**

**Moved Cr DP Morrissey, Seconded Cr DE Anderson**

**That Cr Hodder be granted leave of absence from the Ordinary Council Meeting of 21 May 2009.**

**Motion put and carried 5/0**

## **16. MEETING CLOSURE**

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There being no further business, the President declared the meeting closed at 4.26pm.

### **DECLARATION**

These minutes were confirmed by Council at the Ordinary Meeting held on \_\_\_\_\_.

Signed: \_\_\_\_\_  
Person presiding at the meeting at which these minutes were confirmed