



## **MINUTES**

# **ORDINARY COUNCIL MEETING**

Thursday November 24<sup>th</sup> 2011  
Commencing At 10.01am

# SHIRE OF MENZIES



## DISCLAIMER

No responsibility whatsoever is implied or accepted by the **Shire of Menzies** for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff.

The **Shire of Menzies** disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions.

Any person or legal entity, that acts or fails to act in reliance upon any statement does so at persons or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the **Shire of Menzies**, during the course of any meeting is not intended to be and is not taken as notice of approval from the **Shire of Menzies**.

The **Shire of Menzies** warns that anyone who has an application lodged with the **Shire of Menzies** must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the **Shire of Menzies** in respect of the application.

## SHIRE OF MENZIES

## ORDINARY COUNCILMEETING

November 27<sup>th</sup> 2011

commencing at 10.01 am

# MINUTES

### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr. Gregory Dwyer) declared the meeting open, welcoming the attendees and visitors and proceeds with the agenda as planned.

### 2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### *Attendance:*

Councillors	Cr G. Dwyer	President
	Cr. P.J. Twigg	Deputy President
	Cr. C. Bennell	Councillor
	CrJ.A Dwyer	Councillor
	Cr. D. Hansen	Councillor
	Cr. C.K. Purchase	Councillor
	Cr I.R Tucker	Councillor
Staff:	Mr L.P Strugnell	Acting Chief Executive Officer
	Ms C. McAllan	Deputy Chief Executive Officer
Visitors:	Mr. S. Robinson	Department of Health.

### 3 RESPONSES TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE

Nil.

### 4 PUBLIC QUESTION TIME

Nil

### 5 DECLARATIONS OF INTEREST / APPLICATIONS FOR LEAVE OF ABSENCE.

The Acting Chief Executive Officer declared interest in Item 9.13

### 6 PETITIONS / DEPUTATIONS / PRESENTATIONS

Mr. Steve Robinson gave a short talk on the future of the Menzies Nursing Post assuring Council that it was in no danger whatsoever of closing down. After Sister Mazza resigns and before a new person is appointed, there will be a reduced service to once per fortnight with Aboriginal Health Workers in attendance on the other days. There will be no change in the availability of medications.

## **7 CONFIRMATION OF PREVIOUS MINUTES**

- 7.1 Confirmation of the Previous Minutes of Council held 27th October 2011 as presented, be adopted.

MOVED Cr I.R. Tucker

SECONDED Cr J.A. Dwyer

That the minutes of the Ordinary Meeting of Council held on Thursday 27<sup>th</sup> October 2011 as presented be adopted.

## **8 QUESTIONS ON NOTICE.**

- 8.1 Questions on Notice.

Nil

## **9 REPORTS OF COMMITTEES AND OFFICERS**

### **TABLE OF CONTENTS**

#### **FINANCE**

- 9.1 Financial Statements and Reports to July 31<sup>st</sup>, 2011  
9.2 Financial Statements and Reports to August 31<sup>st</sup> 2011  
9.3 Accounts for Payment to August 31<sup>st</sup> 2011

#### **GOVERNANCE**

- 9.4 Ordinary Meeting Dates, Times and Locations for 2012  
9.5 Review of Delegation Register  
9.6 Membership of Committees  
9.7 Membership of Audit Committee

#### **HEALTH AND BUILDING**

- 9.8 Upgrade of Council Facilities.

#### **SPORT AND RECREATION**

- 9.9 Workplace Occupational Safety and Health Inspection  
9.10 Funding – Morapoi Rodeo \$20,000

#### **TECHNICAL SERVICES**

- 9.11 Bush Fires Act

#### **LATE ITEMS**

- 9.12 Closure over Christmas Period.

9.13 Disposal and Sale of Land

**CONFIDENTIAL ITEMS**

10.2.1 Recruitment of Chief Executive Officer

10.2.2 Acting CEO – Review of Appointment and Conditions of Employment

10.2.3 Tjuntjuntjara Community Road Grants

<b>SUBMISSION TO:</b>	Ordinary Meeting of Council
<b>LOCATION:</b>	Shire of Menzies
<b>APPLICANT:</b>	Carol McAllan
<b>FILE REF:</b>	A/2/6
<b>DISCLOSURE OF INTEREST:</b>	The author has no interest to disclose
<b>DATE:</b>	18 <sup>th</sup> November 2011
<b>AUTHOR:</b>	Carol McAllan, A/Chief Executive Officer
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	L.P. Strugnell , Acting Chief Executive Officer
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY**

That the Financial Statements and Reports to the statements to July 31st, 2011 as presented be adopted.

**BACKGROUND:**

The Financial Reports (AAS27) are presented monthly, generated by our off-site Accountants, UHY Haines Norton and printed in our office.

**COMMENT:**

Included in these Financial Reports, (which are an equivalent of a quarterly financial report) are a rates report and a report on reserves funds.

**CONSULTATION:**

Ms.Mandy Wynne UHY Haines Norton.

**STATUTORY ENVIRONMENT:**

Local Government (Financial Management Regulations 1966 Regulation 34.

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

(1A) *In this regulation —*

*committed assets means revenue unspent but set aside under the annual budget for a specific purpose.*

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

- (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
    - (c) *such other supporting information as is considered relevant by the local government.*
  - (3) *The information in a statement of financial activity may be shown —*
    - (a) *according to nature and type classification; or*
    - (b) *by program; or*
    - (c) *by business unit.*
  - (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
    - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
    - (b) *recorded in the minutes of the meeting at which it is presented.*
  - (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*
  - [(6) *deleted*]
- [Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50; amended in Gazette 20 Jun 2008 p. 2724.]*

<b>POLICY IMPLICATIONS:</b>	Nil
<b>FINANCIAL IMPLICATIONS:</b>	Nil
<b>VOTING REQUIREMENTS:</b>	Simple Majority required

<b>OFFICER RECOMMENDATION /COUNCIL RESOLUTION No: 0072</b>
--

MOVED Cr J.A. Dwyer

SECONDED Cr E. Hansen

That the Financial Statements and Reports to the statements to July 31st, 2011 as presented be adopted.

**Carried 7/0**

<b>SUBMISSION TO:</b>	Ordinary Meeting of Council –
<b>LOCATION:</b>	Shire of Menzies
<b>APPLICANT:</b>	Carol McAllan
<b>FILE REF:</b>	A/2/6
<b>DISCLOSURE OF INTEREST:</b>	The author has no interest to disclose
<b>DATE:</b>	18 <sup>th</sup> November 2011
<b>AUTHOR:</b>	Carol McAllan, A/Chief Executive Officer
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	L.P. Strugnell , Acting Chief Executive Officer
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY**

That the Financial Statements and Reports to the statements to July 31st, 2011 as presented be adopted.

**BACKGROUND:**

The Financial Reports (AAS27) are presented monthly, generated by our off-site Accountants, UHY Haines Norton and printed in our office.

**COMMENT:**

Included in these Financial Reports, (which are an equivalent of a quarterly financial report) are a rates report and a report on reserves funds.

**CONSULTATION:**

Ms.Mandy Wynne UHY Haines Norton.

**STATUTORY ENVIRONMENT:**

Local Government (Financial Management Regulations 1966 Regulation 34.

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

(1A) *In this regulation —*

*committed assets means revenue unspent but set aside under the annual budget for a specific purpose.*

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



- (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
    - (c) *such other supporting information as is considered relevant by the local government.*
  - (3) *The information in a statement of financial activity may be shown —*
    - (a) *according to nature and type classification; or*
    - (b) *by program; or*
    - (c) *by business unit.*
  - (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
    - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
    - (b) *recorded in the minutes of the meeting at which it is presented.*
  - (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*
  - [(6) *deleted*]
- [Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50; amended in Gazette 20 Jun 2008 p. 2724.]*

<b>POLICY IMPLICATIONS:</b>	Nil
<b>FINANCIAL IMPLICATIONS:</b>	Nil
<b>VOTING REQUIREMENTS:</b>	Simple Majority required

<b>OFFICER RECOMMENDATION /COUNCIL RESOLUTION No: 0073</b>
--

MOVED Cr J.A. Dwyer

SECONDED Cr C. Bennell

That the Financial Statements and Reports to the statements to August 31st, 2011 as presented be adopted.

**Carried 7/0**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council.</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>Carol McAllan</b>
<b>FILE REF:</b>	<b>A/2/6</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>The author has no interest to disclose</b>
<b>DATE:</b>	<b>18<sup>th</sup> November 2011</b>
<b>AUTHOR:</b>	<b>Carol McAllan, A/Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>L.P. Strugnell, Acting Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY**

To approve cheque numbers from 0001462 - 0001499 including direct debits and bank statement transfers totalling \$336,032.67 as presented for payment in terms of the submitted lists.

<b>BACKGROUND:</b>	This report is a standard mandatory requirement.
<b>COMMENT:</b>	Nil
<b>CONSULTATION:</b>	Ms Mandy Wynne, Haines Norton.
<b>STATUTORY ENVIRONMENT</b>	Local Government (Financial Management Regulations 1996 Regulation 13,34
<b>POLICY IMPLICATIONS:</b>	All signing of cheques were carried out as per Policy 3.8.(All amounts over \$15,000.00 were counter signed by a Council Member).
<b>FINANCIAL IMPLICATIONS:</b>	Reduction to the Municipal Fund Balance
<b>VOTING REQUIREMENTS:</b>	Simple Majority required

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION No: 0074**

MOVED Cr E. Hansen

SECONDED Cr I.R. Tucker

To approve cheque numbers from 0001462 - 0001499 including direct debits and bank statement transfers totalling \$336,032.67 as presented for payment in terms of the attached schedule.

**Carried 7/0**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>L.P. Strugnell</b>
<b>FILE REF:</b>	<b>C/9/6</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>The author has no disclosure of interest in this item</b>
<b>DATE:</b>	<b>16<sup>th</sup> November 2011</b>
<b>AUTHOR:</b>	<b>L.P. Strugnell Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>L.P. Strugnell , Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

#### **SUMMARY:**

It is a requirement under section 5.25(1)(g) of the Local Government Act to advertise the dates, times and meeting places of meetings for the next twelve months.  
Administration Regulation 12 applies.

#### **BACKGROUND:**

Ordinary meetings of Council are currently held on the **FOURTH THURSDAY** of each month and commencing October 2011 at 9.00am.

#### **COMMENT:**

1. It is suggested that the teleconference and in person meetings for 2012 be held as listed below:

January	Teleconference
February	Teleconference
March	Teleconference
April	Menzies
May	Tjuntjuntjara
June	Menzies
July	Menzies
August	Tjuntjuntjara
September	Kookynie
October	Teleconference
November	Teleconference
December	Teleconference

The teleconference meetings have been listed for 2012 to cover the warmer months and make the travelling a bit more comfortable.

2. It is requested that the meeting dates be moved from the fourth (4<sup>th</sup>) Thursday to the **FOURTH (4<sup>TH</sup>) TUESDAY** of the month from January to November and to the **THIRD (3<sup>RD</sup>) TUESDAY** for December. The fourth Tuesday would be more convenient from a staff perspective. If the December meeting was held on the 3<sup>rd</sup> Tuesday seven of the remaining eleven months would give additional days to complete minutes, correspondence from meetings and end of month data from UHY Haines Norton

<b>2012</b>	<b>4<sup>th</sup> Tuesday</b>	<b>4<sup>th</sup> Thursday</b>
January	24 <sup>th</sup>	26 <sup>th</sup> (Public Holiday)
February	28 <sup>th</sup>	23 <sup>rd</sup>
March	27 <sup>th</sup>	22 <sup>nd</sup>
April	24 <sup>th</sup>	26 <sup>th</sup>
May	22 <sup>nd</sup>	24 <sup>th</sup>
June	26 <sup>th</sup>	28 <sup>th</sup>

July	24 <sup>th</sup>	26 <sup>th</sup>
August	28 <sup>th</sup>	23 <sup>rd</sup>
September	25 <sup>th</sup>	27 <sup>th</sup>
October	23 <sup>rd</sup>	25 <sup>th</sup>
November	27 <sup>th</sup>	22 <sup>nd</sup>
December	18 <sup>th</sup>	20 <sup>th</sup>

**CONSULTATION:**

President G. Dwyer

**STATUTORY ENVIRONMENT:**

Section 5.25(1)(g) Local Government Act  
Administration Regulation 12

**5.25.  
committee meetings and committees**

**Regulations about council and**

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —

(g) the giving of public notice of the date and agenda for council or committee meetings;

**12. Public notice of council or committee meetings — s. 5.25(1)(g)**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
 are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

**POLICY IMPLICATIONS:**

Not Applicable

**FINANCIAL IMPLICATIONS:**

Meeting and associated fees are covered in the 2011/2012 budget.

**VOTING REQUIREMENTS:**

Simple Majority required

MOVED Cr J.A. Dwyer

SECONDED Cr C.K. Purchase

That Council:

1. Adopt the following dates, times and locations for Ordinary Meetings of Council during 2012 in accordance with Administration Regulation 12.

2012	January	Tuesday 24 <sup>th</sup> at 10am.	Teleconference
	February	Tuesday 28 <sup>th</sup> at 10am	Teleconference
	March	Tuesday 27 <sup>th</sup> at 10am	Teleconference
	April	Tuesday 24 <sup>th</sup> at 10am	Menzies
	May	Tuesday 22 <sup>nd</sup> at 10am	Tjuntjuntjara
	June	Tuesday 26 <sup>th</sup> at 10am	Menzies
	July	Tuesday 24 <sup>th</sup> at 10am	Menzies
	August	Tuesday 28 <sup>th</sup> at 10am	Tjuntjuntjara
	September	Tuesday 25 <sup>th</sup> at 10am	Kookynie
	October	Tuesday 23 <sup>rd</sup> at 10am	Teleconference
	November	Tuesday 27 <sup>th</sup> at 10am	Teleconference
	December	Tuesday 18 <sup>th</sup> at 10am	Teleconference

Advertise the Ordinary Council Meeting details in the Kalgoorlie Miner during the month of December 2011.

**Carried 7/0**

<b>SUBMISSION TO:</b>	Ordinary Meeting of Council – 24 <sup>th</sup> November 2011
<b>LOCATION:</b>	Shire of Menzies -
<b>APPLICANT:</b>	L.P. Strugnell
<b>FILE REF:</b>	D/1/2
<b>DISCLOSURE OF INTEREST:</b>	The author has no disclosure of interest in this item
<b>DATE:</b>	14 <sup>th</sup> November 2011 August 2011
<b>AUTHOR:</b>	L.P. Strugnell, CEO
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	L.P. Strugnell, Chief Executive Officer
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

Various powers and duties have been delegated to the Chief Executive Officer under the provisions of section 5.42 of the Local Government Act and some have been on-delegated to other staff members under sections 5.44.

Section 5.46(2) states that at least once a year in every financial year, delegations made under this provision are to be revisited by the delegator.

**BACKGROUND:**

At the 25<sup>th</sup> September 2009 Ordinary Meeting of Council the following resolution was carried.

*“To approve the review of the delegations to the Chief Executive Officer so as to ensure the present listing is current and remains the intention of the heart of Council to continue for a further twelve months, in terms of the attached details as presented.”*

*Carried 7/0*

It appears that an annual review has not taken place since.

*Attached was a list of 47 Delegations.*

Councillors have a copy of the current Delegation Manual.

**COMMENT:**

Of concern is that a number of these delegations have been delegated to other staff members without any restriction being placed on the cost that can be incurred or the timing of any purchase.

For example:

“Approval to incur costs as budgeted: with issuance of Purchase Orders in terms of budget:”

The delegation does not refer to what sections of the budget it applies to, what value the delegation is for or when the cost can be incurred.

All delegations have been revoked until a review of the Delegation Manual takes place.

Copies of the Delegation Manual are attached for Councillors approval.

**CONSULTATION:**

President G. Dwyer

**STATUTORY ENVIRONMENT:**

Section 5.42 Local Government Act  
 Section 5.43 Local Government Act  
 Section 5.44 Local Government Act  
 Section 5.45 Local Government Act  
 Section 5.46 Local Government Act  
 Refer to Local Government  
 Operational Guidelines Number 17.

#### **5.42. *Delegation of some powers and duties to CEO***

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

*\* Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

*[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]*

#### **5.43. *Limits on delegations to CEO***

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

*[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]*

#### **5.44. *CEO may delegate powers and duties to other employees***

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,

are subject to any conditions imposed by the local government on its delegation to the CEO.

- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

- (5) In subsections (3) and (4) —  
**conditions** includes qualifications, limitations or exceptions.

*[Section 5.44 amended by No. 1 of 1998 s. 14(1).]*

#### **5.45. Other matters relevant to delegations under this Division**

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
  - (b) a CEO from performing any of his or her functions by acting through another person.

#### **5.46. Register of, and records relevant to, delegations to CEO and employees**

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

**POLICY IMPLICATIONS:** Not Applicable

**FINANCIAL IMPLICATIONS:** Effects issuing of purchase orders and payments of accounts.

**VOTING REQUIREMENTS:** Simple Majority required

**OFFICERS RECOMMENDATION – COUNCIL RESOLUTION NO: 0076**

MOVED Cr C. Bennell  
That Council:

SECONDED Cr C.K. Purchase

1. Acknowledges that a Review of the Delegations under the provisions of section 5.46(2) did not take place during the financial year 2010/2011
2. Note that Cr. J.A. Dwyer, Cr. I.R. Tucker, Cr. G. Dwyer and Cr. C.K. Purchase be members of the committee to perform a Delegation Review for 2011/2012 year.
3. This review will take place at 9am on Friday 9<sup>th</sup> December 2011.

**Carried 7/0**



<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>L.P. Strugnell</b>
<b>FILE REF:</b>	<b>C/9/10</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>The author has no disclosure of interest in this item</b>
<b>DATE:</b>	<b>17<sup>th</sup> November 2011</b>
<b>AUTHOR:</b>	<b>L.P. Strugnell, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>L.P. Strugnell, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To seek nominations from elected members to fill positions on various committees.

**BACKGROUND:**

Under the provision of section 5.8 of the Local Government Act Council may appoint Councillors to become a member of various committees.  
This is usually addressed following the biennial elections.

	DELEGATE	PROXY
Regional Road Group (RRG)	1	1
Goldfields Voluntary Regional Organisation Of Councils. (GVROC)	1	1
Goldfields Esperance Regional Collaborative Group. (GERCG)	1	1
Goldfields Esperance Country Zone (GECZ)	1	1
Local Emergency Management Committee (LEMC)	1	1
Lake Ballard Association	4	
Lake Ballard Advisory Committee	4	
Mt. Walton Intractable Waste Facility	1	1
Interagency Committee	1	1
Tidy Towns Committee	1	1
Goldfields Tourism Network	1	1
Great Eastern Woodlands Biodiversity Committee	1	1
Yeelirrie Community Reference Group	1	1
Tropicana Gold Reference Group	1	1

**COMMENT:** NIL

**CONSULTATION:** President G. Dwyer.

**STATUTORY ENVIRONMENT:** section 5.8 of the Local Government  
Act.5.8. *Establishment of committees*

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

*\* Absolute majority required.*

**Policy No. 4.2 - COUNCILLOR'S EXPENSES**\* Originally adopted 19<sup>th</sup> March 2004

- 1) That for the purposes of calculating the travel costs of Councillors attendance at meetings under Regulation 31 of the Local Government (Administration) Regulations 1996, the ruling rate per kilometre as set under the Local Government Officer's Award be applied.
- 2) Any Councillor officially representing Council at a meeting, or in other official capacity with specific prior approval of the Council where travel and accommodation or other expenses are actually incurred shall be entitled to have those expenses refunded –
  - a) In the case of travel by motor vehicle, at the ruling rate per kilometre as set by the Local Government Officer's Award.
  - b) In the case of other types of travel, the actual cost of travel.
  - c) In the case of accommodation, the actual cost of the accommodation at an approved hotel or motel.
  - d) Other expenses applicable shall include the cost of meals relevant to the occasion and any other reasonable expenses incurred in the representation of that meeting.

*Please Note: 4.2(1) is not in accordance with the Administration Regulations.*

**FINANCIAL IMPLICATIONS:**

Travel costs for elected members is allowed for in the 2011/2012 budget.

**VOTING REQUIREMENTS:**

Absolute Majority Required.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION No: 0077**

MOVED Cr J.A. Dwyer

SECONDED Cr C.K. Purchase

That the following Councillors will be the delegates and proxies for the following committees:

	DELEGATE	PROXY
Regional Road Group (RRG)	Cr. G. Dwyer	Cr. P.J. Twigg
Goldfields Voluntary Regional Organisation Of Councils. (GVROC)	Cr. G. Dwyer	Cr. P.J. Twigg
Goldfields Esperance Regional Collaborative Group. (GERCG)	Cr. G. Dwyer	Cr. P.J. Twigg
Goldfields Esperance Country Zone (GECZ)	Cr. G. Dwyer	Cr. P.J. Twigg
Local Emergency Management Committee (LEMC)	Cr. C.K. Purchase	Cr. J. Dwyer
Lake Ballard Association	Cr. J.A. Dwyer	
	Cr. C.K. Purchase	
	Cr. I.R. Tucker	
	Cr. G. Dwyer	
Lake Ballard Advisory Committee	Cr. C.K. Purchase	
	Cr. J.A. Dwyer	
	Cr. I.R. Tucker	
	Cr. G. Dwyer	

Interagency Committee  
Tidy Towns Committee  
Goldfields Tourism Network  
Great Eastern Woodlands Biodiversity Committee  
Yeelirrie Community Reference Group  
Tropicana Gold Reference Group  
Goldfields Cyclclassic – Menzies Carnival

CRC Management Committee.  
Cr. J.A. Dwyer  
Cr. G. Dwyer  
Cr. P.J. Twigg  
Cr. G. Dwyer  
Cr. G. Dwyer  
Cr. J.A. Dwyer  
Cr. G. Dwyer  
Cr. C.K. Purchase  
Community Members.

**Carried 7/0**

MOVED: Cr. C. Bennell

SECONDED: Cr. I.R. Tucker

That Council adjourn for lunch at 12.45pm

**Carried 7/0**

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. C.K. Purchase

That Council resume the meeting at 1.29pm.

**Carried 7/0**

<b>SUBMISSION TO:</b>	Ordinary Meeting of Council
<b>LOCATION:</b>	Shire of Menzies
<b>APPLICANT:</b>	L.P. Strugnell
<b>FILE REF:</b>	C/9/10
<b>DISCLOSURE OF INTEREST:</b>	the author has no disclosure of interest in this item
<b>DATE:</b>	17 <sup>th</sup> November 2011
<b>AUTHOR:</b>	L.P. Strugnell , Chief Executive Officer
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	L.P. Strugnell , Chief Executive Officer
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

Establishing an Audit Committee for the 2012 calendar year.

**BACKGROUND:**

Section 7.1A of the Local Government Act states that a Local Government is to establish an audit committee. Section 7.1B deals with the delegation of powers and duties to audit committees and section 7.1C decisions of audit committees.

Local Government Operational Guidelines Number 09 relates to Audit Committees. Copies of section 7.1A, 7.1B and 7.1C of the Local Government Act, the guidelines No:09 and the Local Government (Audit) Regulations 1996 are attachments to this agenda item.

**COMMENT:**

The ideal situation would be to establish an audit / finance committee. The audit issues to be dealt with first followed by the finance matters.

An Audit Committee is to be set up under provisions of the Local Government Act and Regulations. The time, date and location for the meeting is to be advertised – refer clause 24 of the Local Government Guidelines No: 09. Many of Councils problems are finance related however the Minute Books do not reflect this situation or that any action is to be taken to correct the matters. If an audit / finance committee was established and meetings held on a regular basis the members could be trained to carry out one of their main roles, “oversee the allocation of the local governments finances and reserves.”

**CONSULTATION:**

President – Cr. G. Dwyer

**STATUTORY ENVIRONMENT:**

section 7.1A, 7.1B & 7.1C of the Local Government Act  
Local Government (Audit) Regulations 1996  
Local Government Guidelines No: 09  
( Refer to Guidelines Manual)

**7.1A. Audit committee**

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

*\* Absolute majority required.*

### **7.1B. Delegation of some powers and duties to audit committees**

- (1) *Despite section 5.16, the only powers and duties that a local government may delegate\* to its audit committee are any of its powers and duties under this Part other than this power of delegation.*

*\* Absolute majority required.*

- (2) *A delegation to an audit committee is not subject to section 5.17.*

*[Section 7.1B inserted by No. 49 of 2004 s. 5.]*

### **7.1C. Decisions of audit committees**

*Despite section 5.20, a decision of an audit committee is to be made by a simple majority.*

*[Section 7.1C inserted by No. 49 of 2004 s. 5.]*

- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*

- (4) *An employee is not to be a member of an audit committee.*

*[Section 7.1A inserted by No. 49 of 2004 s. 5.]*

**Reprinted under the  
Reprints Act 1984 as  
at 14 October 2011**

Western Australia

---

## **CONTENTS**

---

1.	Citation	22
2.	Commencement	22
3.	Terms used	22
4.	Prescribed amount of debt which disqualifies person as auditor (Act s. 7.4(2)(b))	22
5.	Prescribed entity, employment or membership of which disqualifies person as auditor (Act s. 7.4(2)(c))	22
6.	Prescribed class of persons, membership of which disqualifies person as auditor (Act s. 7.4(2)(d))	22
7.	Agreements with auditors, contents of	23
8.	Termination of audit agreement, Executive Director to be notified	23
9.	Performance of audit	24
10.	Report by auditor	24
11.	Hours and fees, auditor to give Minister statement of	25
12.	Auditor's conflict of interest, auditor to report	25
13.	Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))	25
14.	Compliance audits by local governments	27
15.	Compliance audit return, certified copy of etc. to be given to Executive Director	27
16.	Audit committee, functions of	28

### **Notes**

Compilation table	28
-------------------	----

## Defined Terms



Reprinted under the  
*Reprints Act 1984* as  
at 14 October 2011

Western Australia Local Government Act 1995

Local Government (Audit) Regulations 1996

### 1. *Citation*

These regulations may be cited as the *Local Government (Audit) Regulations 1996*<sup>1</sup>.

### 2. *Commencement*

These regulations come into operation on 1 July 1996.

### 3. *Terms used*

In these regulations, unless the contrary intention appears —

**audit committee** means an audit committee established under section 7.1A;

**Australian Accounting Standards** means the “Statements of Accounting Standards” issued by the Australian Accounting Research Foundation;

**compliance audit** means an audit of compliance with the statutory requirements prescribed by regulation 13;

**section** means section of the Act.

[Regulation 3 amended in Gazette 23 Apr 1999 p. 1722; 31 Mar 2005 p. 1042.]

### 4. *Prescribed amount of debt which disqualifies person as auditor (Act s. 7.4(2)(b))*

The amount prescribed for the purposes of section 7.4(2)(b) is \$5 000.

### 5. *Prescribed entity, employment or membership of which disqualifies person as auditor (Act s. 7.4(2)(c))*

The prescribed entities for the purposes of section 7.4(2)(c) are, in relation to a local government —

- (a) a regional local government in which the local government is a participant; and
- (b) an incorporated association which the local government has formed or taken part in forming under the *Associations Incorporation Act 1987*.

### 6. *Prescribed class of persons, membership of which disqualifies person as auditor (Act s. 7.4(2)(d))*

(1) The prescribed classes of persons for the purposes of section 7.4(2)(d) are —

- (a) persons who are disqualified for membership of a council under section 2.22; and

- (b) persons who are insolvents under administration within the meaning of the *Corporations Act 2001* of the Commonwealth; and
  - (c) persons who are closely associated with a relevant person.
- (2) For the purposes of subregulation (1)(c) a person is to be treated as being closely associated with a relevant person if the person —
  - (a) is in partnership with the relevant person; or
  - (b) is an employer of the relevant person; or
  - (c) is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (d) is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or
    - (ii) in which the relevant person holds shares having a total value exceeding —
      - (I) the amount prescribed for the purposes of section 5.62; or
      - (II) the percentage of the total value of the issued share capital of the company prescribed for the purposes of section 5.62,
 whichever is less;
  - or
  - (e) is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
  - (f) has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (3) In this regulation —

**relevant person** in relation to a local government, means a member of the council of the local government or an employee of the local government;

**value** has the meaning given by section 5.62(2).

*[Regulation 6 amended in Gazette 28 Sep 2001 p. 5357-8; 30 Jun 2003 p. 2615; 31 Mar 2005 p. 1042.]*

## 7. ***Agreements with auditors, contents of***

An agreement between a local government and an auditor is to include —

- (a) the objectives of the audit; and
- (b) the scope of the audit; and
- (c) a plan for the audit; and
- (d) details of the remuneration and expenses to be paid to the auditor; and
- (e) the method to be used by the local government to communicate with, and supply information to, the auditor.

## 8. ***Termination of audit agreement, Executive Director to be notified***

- (1) Where an agreement between a local government and an auditor is terminated —
  - (a) the local government is to, within a period of 30 days from the termination, give to the Executive Director —
    - (i) notice of the termination; and
    - (ii) the reasons for the termination;
  - and
  - (b) the auditor is to, within a period of 30 days from the termination, advise the Executive Director of the termination.
- (2) Notwithstanding any provision of an agreement between a local government and an auditor to the contrary, an auditor is to be given notice in writing of the termination of his or her appointment.

## **9. *Performance of audit***

- (1) An audit is to be carried out in accordance with the “Auditing Standards” and “Auditing Guidance Statements” adopted from time to time by the Australian Society of Certified Practising Accountants and The Institute of Chartered Accountants in Australia.
- (2) An auditor is to carry out such work as is necessary to form an opinion as to whether —
  - (a) the accounts are properly kept; and
  - (b) the annual financial report —
    - (i) is prepared in accordance with the financial records; and
    - (ii) represents fairly the results of the operations of the local government and the financial position of the local government at 30 June in accordance with the Australian Accounting Standards and the Act.

## **10. *Report by auditor***

- (1) An auditor’s report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.
- (2) The report is to give the auditor’s opinion on —
  - (a) the financial position of the local government; and
  - (b) the results of the operations of the local government.
- (3) The report is to include —
  - (a) any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and
  - (b) any matters indicating non-compliance with Part 6 of the Act, the *Local Government (Financial Management) Regulations 1996* or applicable financial controls in any other written law; and
  - (c) details of whether information and explanations were obtained by the auditor; and
  - (d) a report on the conduct of the audit.
- (4) Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor’s report and to forward a copy



of the management report to the persons specified in section 7.9(1) with the auditor's report.

**11. Hours and fees, auditor to give Minister statement of**

An auditor is to provide to the Minister with the auditor's report a detailed statement of —

- (a) the hours worked on the audit; and
- (b) the remuneration and expenses due to the auditor by the local government.

**12. Auditor's conflict of interest, auditor to report**

An auditor is to report a possible conflict of interest to the Minister as soon as possible after the auditor becomes aware of the possible conflict of interest.

**13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))**

For the purposes of section 7.13(1)(i) the statutory requirements set forth in the Table to this regulation are prescribed.

**Table**

<b>Local Government Act 1995</b>		
s. 2.25	s. 3.12	s. 3.16
s. 3.18	s. 3.32	s. 3.40A
s. 3.50	s. 3.51	s. 3.52(4)
s. 3.57	s. 3.58(3) and (4)	s. 3.59(2), (4) and (5)
s. 4.17(3)	s. 4.20(2), (4) and (5)	s. 4.32(4) and (6)
s. 4.35	s. 4.39(2)	s. 4.41
s. 4.43(1)	s. 4.47	s. 4.61(2) and (3)
s. 4.64	s. 5.4	s. 5.5

s. 5.7	s. 5.8	s. 5.10
s. 5.12	s. 5.15	s. 5.16
s. 5.17	s. 5.18	s. 5.21
s. 5.22	s. 5.23	s. 5.24
s. 5.27	s. 5.29(1)	s. 5.32
s. 5.33	s. 5.36(4)	s. 5.37(2) and (3)
s. 5.38	s. 5.39	s. 5.42
s. 5.43	s. 5.44(2)	s. 5.45(1)(b)
s. 5.46	s. 5.50	s. 5.53

s. 5.54	s. 5.55	s. 5.56
s. 5.66	s. 5.67	s. 5.68(2)
s. 5.70	s. 5.71	s. 5.73
s. 5.75	s. 5.76	s. 5.77
s. 5.88	s. 5.94	s. 5.95
s. 5.96	s. 5.98	s. 5.98A(1)
s. 5.99	s. 5.99A	s. 5.100
s. 5.103	s. 5.120	s. 5.121
s. 6.8	s. 6.12	s. 6.13
s. 6.16(1) and (3)	s. 6.17(3)	s. 6.19
s. 6.41	s. 6.76(6)	s. 7.1A
s. 7.1B	s. 7.3	s. 7.12A
s. 9.4	s. 9.6(5)	s. 9.29(2)
<b><i>Local Government (Administration) Regulations 1996</i></b>		
r. 5	r. 6	r. 8
r. 9	r. 10	r. 11
r. 12	r. 13	r. 14(1)
r. 14A	r. 18A	r. 18B
r. 18C	r. 18D	r. 18E
r. 18F	r. 18G	r. 19
r. 19B	r. 19C	r. 19D
r. 22	r. 23	r. 28
r. 30	r. 31	r. 33
r. 33A	r. 34	r. 34A
r. 34AA	r. 34AB	r. 34B
r. 34C		
<b><i>Local Government (Audit) Regulations 1996</i></b>		
r. 7		
<b><i>Local Government (Elections) Regulations 1997</i></b>		
r. 7	r. 8	r. 13
r. 17	r. 26(4)	r. 30G
r. 30H	r. 40	r. 81
<b><i>Local Government (Financial Management) Regulations 1996</i></b>		

r. 5	r. 6	
<b><i>Local Government (Functions and General) Regulations 1996</i></b>		
r. 3	r. 7	r. 9
r. 10	r. 11A	r. 11
r. 12	r. 14(1), (3) and (5)	r. 15
r. 16	r. 17	r. 18(1) and (4)
r. 19	r. 21	r. 22
r. 23	r. 24	r. 24E
<b><i>Local Government (Miscellaneous Provisions) Act 1960</i></b>		
s. 245A(5)(aa)		
<b><i>Caravan Parks and Camping Grounds Act 1995</i></b>		
s. 14(1)	s. 21(1)	
<b><i>Cemeteries Act 1986</i></b>		
s. 40		

*[Regulation 13 inserted in Gazette 23 Apr 1999 p. 1722-4; amended in Gazette 1 Jun 2004 p. 1917; 31 Mar 2005 p. 1042-3; 30 Sep 2005 p. 4418-20; 21 Dec 2010 p. 6758-61.]*

#### **14. Compliance audits by local governments**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3) A compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

*[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5.]*

#### **15. Compliance audit return, certified copy of etc. to be given to Executive Director**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit,
 is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —

**certified** in relation to a compliance audit return means signed by —

- (a) the mayor or president; and
- (b) the CEO.

[Regulation 15 inserted in Gazette 23 Apr 1999 p. 1725.]

## 16. *Audit committee, functions of*

An audit committee —

- (a) is to provide guidance and assistance to the local government —
  - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
  - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
- and
- (b) may provide guidance and assistance to the local government as to —
  - (i) matters to be audited; and
  - (ii) the scope of audits; and
  - (iii) its functions under Part 6 of the Act; and
  - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043.]

### Notes

- <sup>1</sup> This reprint is a compilation as at 14 October 2011 of the *Local Government (Audit) Regulations 1996* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Local Government (Audit) Regulations 1996</i>	24 Jun 1996 p. 2827-32	1 Jul 1996 (see r. 2)
<i>Local Government (Audit) Amendment Regulations 1999</i>	23 Apr 1999 p. 1722-5	23 Apr 1999
<i>Corporations (Consequential Amendments) Regulations 2001 Pt. 8</i>	28 Sep 2001 p. 5353-8	15 Jul 2001 (see r. 2 and CwlthGazette 13 Jul 2001 No. S285)
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 24</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and Gazette 30 Jun 2003 p. 2579)
<b>Reprint 1: The Local Government (Audit) Regulations 1996 as at 10 Oct 2003</b> (includes amendments listed above)		
<i>Local Government (Audit) Amendment Regulations 2004</i>	1 Jun 2004 p. 1917	1 Jun 2004
<i>Local Government (Audit) Amendment Regulations 2005</i>	31 Mar 2005 p. 1042-3	7 May 2005 (see r. 2)
<i>Local Government (Audit) Amendment Regulations (No. 2) 2005</i>	30 Sep 2005 p. 4418-20	30 Sep 2005
<i>Local Government (Audit) Amendment Regulations 2010</i>	21 Dec 2010 p. 6758-61	r. 1 and 2: 21 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 22 Dec 2010 (see r. 2(b))

Citation	Gazettal	Commencement
<b>Reprint 2: The Local Government (Audit) Regulations 1996 as at 14 Oct 2011</b> (includes amendments listed above)		

## Defined Terms

*[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]*

Defined Term	Provision(s)
audit committee.....	3
Australian Accounting Standards.....	3
certified .....	15(2)
compliance audit .....	3
relevant person .....	6(3)
section .....	3
value.....	6(3)

<b>POLICY IMPLICATIONS:</b>	Not Applicable
<b>FINANCIAL IMPLICATIONS:</b>	Committee Meeting Fees.
<b>VOTING REQUIREMENTS:</b>	section 7.1A&7.1B – Absolute Majority

<b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION</b>	<b>NO: 0078</b>
--	-----------------

MOVED Cr P.J. Twigg

SECONDED Cr J.A. Dwyer

That Council:

1. Establish an Audit Committee under the provisions of section 7.1A & 7.1B of the Local Government Act to perform the functions listed in the Model Terms of Reference ( Appendix 1 ) The roles and responsibilities listed in the Guideline No: 9 that are applicable.
2. The Committee to consist Cr. G. Dwyer, Cr. J. A. Dwyer, Cr. I.R. Tucker and Cr. C.K. Purchase. The Chief Executive Officer or his nominated representative to attend meetings as an official advisor.
3. Meetings to be held monthly until the financial affairs of the Council have reached an acceptable standard.
4. The meetings to be held on the Tuesday prior to the Ordinary Council Meetings in the Menzies Office commencing at 9am. Dates to be advertised in the Kalgoorlie Miner for 2012
5. Establish a Finance Committee to oversee the allocation of the Local Government finances and resources. The members to be the same members as the Audit Committee. The finance matters to be addressed immediately following the Audit issues.

**Recommendations 1,2&5 – Absolute Majority**  
**Recommendations 3 & 4 – Simple Majority.**

**Carried 7/0**

<b>SUBMISSION TO:</b>	Ordinary Meeting of Council
<b>LOCATION:</b>	Shire of Menzies
<b>APPLICANT:</b>	Acting CEO – L.P. Strugnell
<b>FILE REF:</b>	R/8/2d & R/8/4
<b>DISCLOSURE OF INTEREST:</b>	The author has no disclosure of interest in this item
<b>DATE:</b>	17 <sup>th</sup> November 2011
<b>AUTHOR:</b>	L.P. Strugnell Chief Executive Officer
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	L.P. Strugnell, Chief Executive Officer
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

During a recent inspection of facilities the Environmental Health Officer / Building Surveyor has made a number of comments on issues that require attention. The purpose of this item is to seek Council approval to proceed with remedial works once budget amendments are approved by Council and tenders and quotes are received.

**BACKGROUND:**

Following a recent inspection of the tip site, asbestos area and the liquid waste disposal pit with Councillor Tucker, the Environmental Health Officer – Garry Agnew was requested to provide a report on the condition of these facilities. Inspection of the town Hall door system, Hall/Office Toilet facilities and the public toilet systems were also carried out. The report is below

**November 2011**

**2 November 2011**

Comments following tour of Menzies Townsite with CEO

**1. Menzies Refuse Site**

- Liquid Waste Disposal

The existing liquid waste disposal pit would not conform to the requirements of the DEC in that it is over grown with vegetation, is breeding mosquitoes and does not provide optimum conditions for evaporation nor an aerobic environment.

Attached is a sketch showing an acceptable design for an approved liquid waste disposal facility.

- Management

It is suggested that the design and management of the fill method operating at the Menzies Refuse Site be re-assessed to

1. reduce the width of the operating face;
2. implement a regular soil cover program;
3. eliminate cause of the contained storm water; and

4. address the volume of blown light refuse strewn around to site by the erection of a litter screen.
- **Asbestos Disposal**

The Asbestos disposal pit is being filled with general refuse which is detrimental to its purpose. An approved pit for disposal of asbestos should be dedicated for that purpose and ideally fenced (1.8m link mesh with barb) and with clear signage.

## **2. Town Hall**

An inspection of the Town Hall with the CEO revealed a need to address the design and operation of all Exit doors.

Safety exit doors for public buildings must be capable of being opened in an emergency from the inside (path of exit) without the use of a key – easy release panic bolts.

The Menzies Town Hall has a estimated certified maximum capacity of 200 persons therefore the number of toilets provided within the northern lean-to area of the building is insufficient, consequently the public toilets at the rear are taken into account when assessing required sanitary facilities.

## **3. Caravan occupation on residential land**

It was noticed that the occupation of caravans on residential land was occurring apparently with the knowledge of the Shire and to the financial detriment of the Caravan Park. The Caravan Parks and Camping Ground Regulations states that this may only occurred with the formal concurrence of the Council but in any case no longer than 3 months.

Council should establish a policy in this regard and appoint an Authorised Officer under the Caravan Parks and Camping Grounds Act to apply its determination.

**Note:** *This area of authority is not embraced by the Health Act nor the Building Act.*

## **4. Sewage Disposal – Shire Depot and Public Toilets**

Assessment of the sewage disposal system servicing the Shire Depot, Public Toilets, Shire Hall and Administration Office was carried out due to the regular failure of the system.

It is suggested that failure of the system is due most probably to the ineffective section of the final disposal component (leach drain) that is located within the fenced Depot land. This section of the final disposal system appears to be suspect in terms of design as well as acting as a barrier for Depot land surface water run-off – this is causing surface (rain) water to be dammed beside this section of leach drain thereby filling in. It is recommended that the leach drain

system servicing the septic tanks for the Hall, Shire Admin Centre, Public toilets and Depot requires major upgrade.

## **5. Building Licences**

The following Building Licence was approved and issued during November 2011.

Building Licence No. M7/11

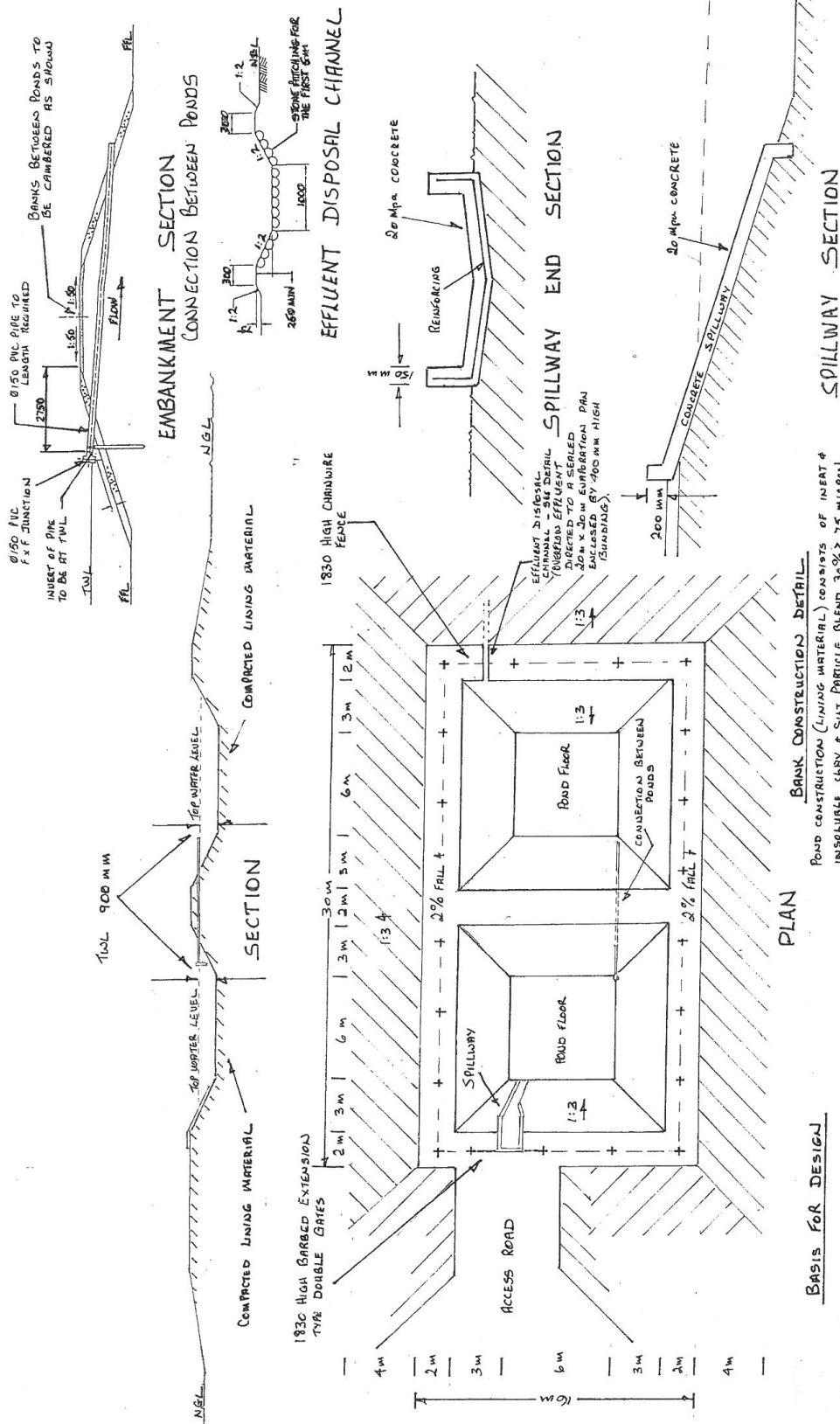
Owner:	Anglogold Ashanti Pty Ltd	
Location:	350km east of Menzies	
Type of Construction:	Mine Camp – Temporary Village	
Construction Cost:	\$3,200,000.00	
Builder:	VDM constructions	
Fees:	Building Licence Fee	\$10,181.82
	Gov't BCITF Levy	\$6,400.00
	BRB Levy	<u>\$41.50</u>
		\$16,623.32

Garry Agnew

**PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/  
BUILDING SURVEYOR**

10 November 2011

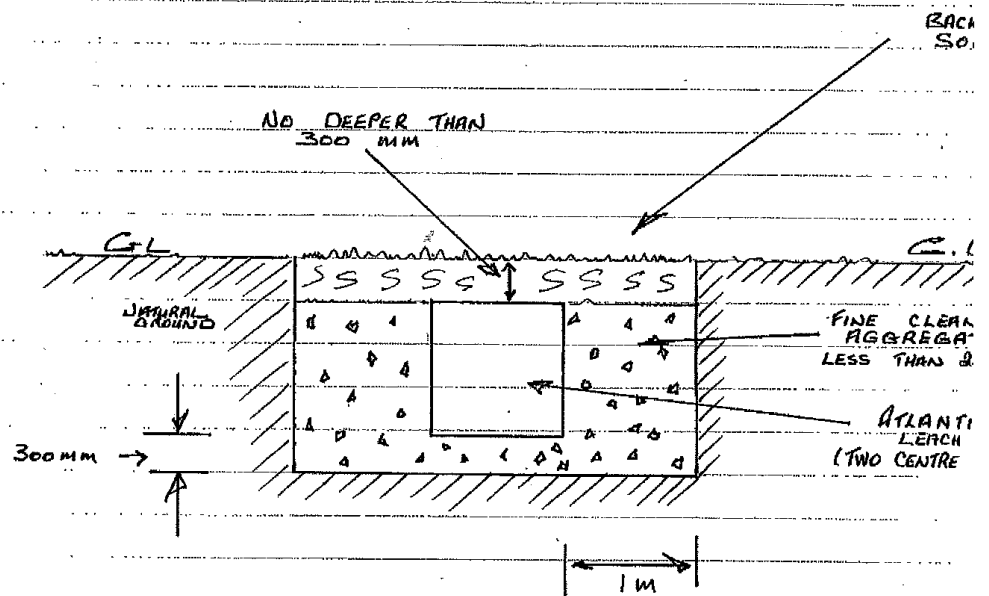
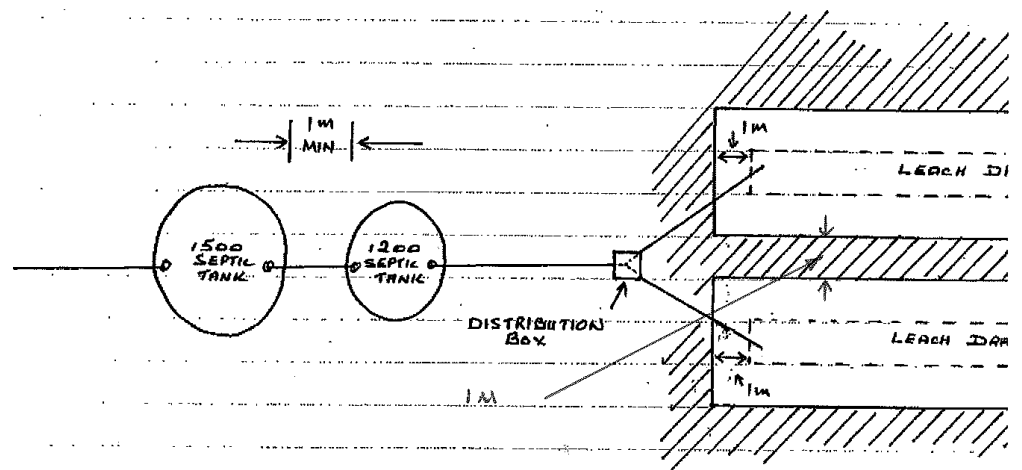




CARANAMAH LIQUID WASTE FACILITY  
LOCATION:  
DRAWN: 24-01-08 GJA.

**BANK CONSTRUCTION DETAIL**  
POND CONSTRUCTION (LINING MATERIAL) CONSISTS OF INERT & INSOLUBLE CLAY & SILT PARTICLE BLEND 30% > 75 MICRON, 15% > 2 MICRON, LESS THAN 70 LIQUID LIMIT & GREATER THAN 15 PLASTICITY INDEX. THE MATERIAL WILL BE COMPACTED IN NO LESS THAN 300 MM LAYERS. THE EXTERNAL & INTERNAL FACES OF POND BANKS WILL BE PROTECTED WITH 200 MM MIN THICKNESS OF UNCOMPACTED BROKEN ROCK GRADED SUCH THAT NOT LESS THAN 70% OF THE MATERIAL FALLS WITHIN THE RANGE OF 20 MM TO 60 MM NOMINAL PARTICLE SIZE.

**BASIS FOR DESIGN**  
HOLDING CAPACITY: 72,082 LITRES (14000 X 2 + 144,185 LITRES TOTAL).  
INFLOW: LESS THAN 400,000 LITRES OF WASTE WATER PER ANNUM.  
EVAPORATION: 580,884 LITRES PER ANNUM (EVAPORATION DATA FOR WA - DEPT AG: FIGURE IS NET AS RAINFALL, RADIATION, TEMPERATURE & RELATIVE HUMIDITY ARE ACCOUNTED FOR).  
TOTAL HOLDING CAPACITY + EVAPORATION RATE = 725,069 LITRES.  
SPARE HOLDING CAPACITY = 535,069 LITRES.



SECTIONAL VIEW OF LEACH DRAIN

EXECUTIVE BOND

COMMENT:

It is important to commence action on items that can lead to health hazards and approval is sought to obtain quotes for the following works prior to seeking approval for budget adjustments.

1. Construction of liquid waste disposal facility as per attached plan including fencing
  - Construction of Asbestos Disposal Pit including fencing
  - Redesign of the Refuse site works.
2. Town Hall – Safety Exit Doors and Toilet Facilities.
  - Quotes for easy release panic bolts fitted to all required doors.
  - Obtain designs on how Council can meet the requirements for toilets at the Hall for 200 persons.
3. Obtain detailed design and direction from the Environmental Health Officer for the works required to upgrade the sewage disposal system servicing the Shire Depot, Public Toilets, Shire Hall and Administration Office.

<b>CONSULTATION:</b>	Environmental Health Officer – Garry Agnew President Cr. G. Dwyer
<b>STATUTORY ENVIRONMENT</b>	Not Applicable
<b>POLICY IMPLICATIONS:</b>	Not Applicable
<b>FINANCIAL IMPLICATIONS:</b>	Budget amendments to be considered once costings are finalized.
<b>VOTING REQUIREMENTS:</b>	Simple Majority required at this stage

<b>OFFICER RECOMMENDATION – COUNCIL RESOLUTION No: 0079</b>
---

MOVED Cr. J.A. Dwyer

SECONDED Cr I.R. Tucker

That Council:

1. Refuse Site.
  - Obtain tender or quote specifications for the construction of liquid waste disposal facilities at the Menzies Refuse Disposal Site including fencing and signs.
  - Obtain tender and quote specifications for the construction of An Asbestos Disposal Pit including fencing and signs at the Menzies Refuse Disposal site.
  - Obtain specifications for the redesign of the Refuse site including erection of a litter screen.
2. Town Hall
  - Obtain quotes for easy release panic bolts to be fitted to all required doors.
  - Obtain designs on how Council can meet the requirements for toilets at the hall for 200 persons.
3. Shire Depot
  - Obtain detailed reports and specifications to upgrade the sewage disposal for the Shire depot, public toilets and the hall.

**Carried 7/0**

**9.9 WORKPLACE OCCUPATIONAL SAFETY & HEALTH INSPECTION**

<b>SUBMISSION TO:</b>	Ordinary Meeting of Council
<b>LOCATION:</b>	Shire of Menzies -
<b>APPLICANT:</b>	L.P. Strugnell
<b>FILE REF:</b>	O/2/2
<b>DISCLOSURE OF INTEREST:</b>	The author has no disclosure of interest in this item
<b>DATE:</b>	18 <sup>th</sup> November 2011
<b>AUTHOR:</b>	L.P. Strugnell, Chief Executive Officer
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	L.P. Strugnell, Chief Executive Officer
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

Consideration of Workplace Occupational Safety and Health Inspection Depots, Workshop, Office and Hall report conducted on the 11<sup>th</sup> November 2011 and determine the action to be taken

**BACKGROUND:**

On the 11<sup>th</sup> November 2011 a Workplace Occupational Safety and Health Inspection was carried out by Mr. Paul Meyers of Echelon Australia.

The 11<sup>th</sup> November Report is attached

**COMMENT:**

Some of the items on the Main Office report have already been noted in the Environmental Officer's report and recommendations made. To obtain information on items such as Fire and Emergency it will require obtaining advice from some organization such as Wormalds, Mercury or others. Costings can then be obtained to attend to the matters mentioned in the report. The Shire of Leonora is currently using Mercury, a Kalgoorlie based company.

**CONSULTATION:** .Mr. J.G. Epis – Shire of Leonora.

**STATUTORY ENVIRONMENT:** Occupational Safety and Health Act 1984

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Depending on the report it may /will require some budget adjustment.

**VOTING REQUIREMENTS:** Simple Majority required

**OFFICER RECOMMENDATION / COUNCIL RESOLUTIONNO: 0080**

MOVED Cr C. Bennell

SECONDED Cr. I.R. Tucker

That Council:

Obtain quotes from suitable organizations to preparing a detailed report on the requirements under the Occupational Safety and Health Regulations for Council's public buildings including the Council office and hall, Council depot, Community Resource Centre ( Lady Shenton ) building and Caravan Park.

**Carried 7/0**

## 9.1.1 Workplace OS&amp;H Inspection Depots/Workshops

Organisation:

Worksite:

- 1 - Acceptable  
 2 - Minor Risk - Mostly complies, more to do  
 3 - Unacceptable - No plan, nothing done, high risk  
 N/A - Not Applicable

Question		COMPLIANCE				Date Inspected: 11/11/2011 Inspected By: Paul Myers	Notes
		1	2	3	N/A	Act	Regs
<b>SYSTEM ADMINISTRATION</b>							
1	OH&S policy Developed and available?	1					3.2R Displayed in depot office
2	OH&S manual available in the workplace?	1					3.2R
3	Hazard Report and Near miss forms available?	1				21	Folder hard copy at depot
4	Accident / Incident forms available in the workplace?	1				23	Folder hard copy at depot
5	Training complete for reporting and recording incidents?			1		19	Need training on reporting incidents
6	Work place induction developed and being used?	1				19	SMS system
<b>FIRE &amp; EMERGENCY</b>							
7	Emergency procedures prominently displayed?			1			3.10 Need to display
8	Fire extinguishers, hose reels etc, checked?			1			no, needs urgent review
9	Is there an adequate number of fire extinguishers?			1			no, needs urgent review
10	Fire extinguishers clearly and correctly marked?			1			no, needs urgent review
11	Are they easily accessible?	1					the ones that are available
12	Are entrances/exits, walkways clear & Signed?			1			no, needs urgent review
13	Emergency Showers installed and working?			1			no emergency shower noted
14	First aid facilities in place and people trained?	1					yes
15	Are emergency evacuation drills practiced?			1			no, needs urgent review
<b>Structure, Contents &amp; Storage</b>							
16	Workbenches clean and in operable condition?	1					3.17
17	Walls and ceilings in good condition?	1				19	

Depot Workplace Inspection shire of menzies 11\_11\_2011 (2)



- 1 - Acceptable  
 2 - Minor Risk - Mostly complies, more to do  
 3 - Unacceptable - No plan, nothing done, high risk  
 N/A - Not Applicable

Question		COMPLIANCE					Date Inspected: 11/11/2011	
		1	2	3	N/A	Act	Reqs	Inspected By: Paul Myers
18	Doors and windows in good working condition?	1				19		Notes
19	Is general housekeeping in order?	1					3.18	
20	Storage areas neat, items stacked correctly?	1					3.17	
21	Floor surfaces clean and in good condition?	1					3.18	
22	Furniture maintained in good working order?	1					3.20	
<b>Waste &amp; Pest control</b>								
23	Waste disposal procedures known and adhered to?	1					3.17	
24	Rubbish bins regularly emptied and cleaned?	1					3.17	
25	Waste oil rags stored in metal container with lid?	1					3.17	
26	Pest and vermin reduction procedures in place?	1				19		
<b>Ventilation &amp; Lighting</b>								
27	Is lighting adequate in accordance with AS1680.1?	1					3.13	
28	Lights clean, working, and in good condition?	1					3.13	
29	Ventilation and air conditioning systems?	1					3.15	
<b>AMENITIES</b>								
30	Toilet/ shower areas neat and clean?	1					3.20	
31	Toilets: Are facilities/materials in place to ensure that adequate hygiene standards can be met?	1					3.20	
32	Are the toilets free from the storage of material?	1					3.20	
33	Are kitchen facilities appropriate and in good condition?	1					3.20	
34	Are hand washing facilities Appropriate?	1					3.20	
<b>Manual Handling - PPE's</b>								
35	Personal Protective equipment available and used?	1					3.33	
36	Is PPE clean and well maintained?	1					3.33	
37	PPE guidelines developed and enforced?	1					3.33	
38	Staff aware/use manual handling protocols?	1					3.4	
<b>Electrical</b>								
39	Electrical Switchboards Covered & accessible?	1					3.59	

- 1 - Acceptable  
 2 - Minor Risk - Mostly complies, more to do  
 3 - Unacceptable - No plan, nothing done, high risk  
 N/A - Not Applicable

		COMPLIANCE					Date Inspected: 11/11/2011	
		1	2	3	N/A	Act	Regs	Inspected By: Paul Myers
Question		Notes						
40	Extension leads/plugs/power points good order?	1					3.59	
41	Electrical items inspected as per AS/NZS 3760? (12 monthly inspections by electrician)		1				3.60	No, needs urgent review
42	RCD Push button test completed? (portable - daily, fixed 6 - monthly)	1					3.60	
43	Are RCD's used with portable equipment?			1			3.60	requires testing
<b>Hazardous Substances</b>								
44	Is there an up to date Hazardous Substances Register for all chemicals on site?			1			5.13	need register developing
45	MSDS updated within 5 years of date issued?	1					5.13	
46	Are MSDS available for all Hazardous substances?		1				5.11	Ensure all MSDS are present and updated.
47	Are hazardous waste containers clearly marked?	1					5.12	
48	Are all hazardous substances appropriately stored?	1				19		
<b>Security</b>								
49	Is there a security breach register?			1				no, use form as provided in SMS
50	Is there a Visitor/Tradesperson Sign In/Out Register?	1						
51	Are all doors/windows secured out of work hours?	1						
52	Internal Security suitable for work area?	1						
<b>External areas</b>								
53	Security re outside lights, fence etc?	1						
54	Are the grounds clear of hazards?	1					3.17	
55	Vegetation control in grounds OK & Firebreaks installed?	1						
56	Movement of vehicles and plant?	1					3.22	
<b>Flammable liquid Storage</b>								
57	Bulk Fuel Storage condition?	1				19		
58	Oil/Fuel storage areas stacking, labelling, demarking?	1						
59	Empty drum and waste oil disposal?	1						
60	Adequate Bunding?	1					3.18	

- 1 - Acceptable  
 2 - Minor Risk - Mostly complies, more to do  
 3 - Unacceptable - No plan, nothing done, high risk  
 N/A - Not Applicable

		COMPLIANCE					Date Inspected: 11/11/2011	
		1	2	3	N/A	Act	Reqs	Inspected By: Paul Myers
Question								
61	Is their adequate signage?	1				19		Notes
62	Are required resources available in case of spillage /fire? Fire extinguisher etc.		1				3.9	Ensure spill kits nearby
63	Are flammable liquid cabinets used correctly?	1						
64	Are structures protected from impact damage?	1				19		
<b>Welding Equipment</b>								
65	Flashback arrestors fitted (2 x each hose)?	1					3.98	
66	Appropriate PPE's used and available?	1					3.34	
67	Is PPE clean and well maintained?	1					3.34	
68	Protective screens implemented?						3.97	unknown
69	Gas Cylinders secured?	1					3.27	
<b>Plant and Equipment</b>								
70	Workshop equipment maintained to specification?	1					4.37	
71	Are guards fitted to bench grinders, drill press etc?			1			4.29	Drill press no guard
72	Are pressure vessels tested to specification (compressor)?				1		4.43	unable to assess
73	Safety fence /rail/cover used when pit unused?				1		3.49	
74	Clearly marked safety area around pit/hoist?				1		3.49	
75	Hoist safety catches/locks routinely inspected?				1		4.53	
76	Safe Working Load on cranes?				1		4.54	
77	Edge protection implemented (2m falls)?				1		3.55	
78	Safe use of portable ladders?	1					3.26	
<b>Signage</b>								
79	Is their PPE signage in appropriate areas?	1					3.11	
80	Do hazardous substance stores have correct signs?	1					3.11	
81	Do Flammable substance stores have correct signs?	1					3.11	
82	Are first aid facilities adequately signed?	1					3.11	
83	Are there pedestrian control signs?		1				3.11	speed limit signs required 10kph



## Corrective Actions List

Date Inspected: 11/11/2011  
 Website: Main Office

Organisation: Shire of Menzies  
 Inspected By: Paul Myers

Question	Act	Regs	Value	Action:	Date:	Person
5 Procedures implemented for dealing with difficult/violent clients?	19		1	Risk Register	End Dec	Carol
7 Emergency procedures prominently displayed?		3.1	1	Evacuation maps and procedures written, need to be displayed in prominent position	End Nov	Carol
8 Fire extinguishers, etc checked? (6 monthly)		3.9	1	Some fire extinguishers missing off wall and out of test date range	End Nov	Carol
9 Is there an adequate number of fire extinguishers?		3.9	1	Some fire extinguishers missing off wall	End Nov	Carol
10 Fire extinguishers clearly and correctly marked?		3.9	1	no, not all - needs contractor to assess	End	Carol
11 Are Extinguishers easily accessible?		3.9	1	no, not all - needs contractor to assess		
12 Are entrances/exits, walkways clear & Exit signs visible and working? <del>X</del>		3.8	1	exit signs not operational in accordance with Australian Standard	End Nov	Carol
13 Are fire blankets correctly located in kitchen area?		3.9	2	extinguisher, no blanket	End Nov	Carol
15 Are emergency evacuation drills practiced?		3.1	1	no, need to undertake 2 x drills per year	Ongoing	Carol
18 Doors and windows in good working condition? <del>X</del>	19		1	Emergency exit doors do not comply with Australian Standard - need key to open	End Nov - urgent	Carol
36 Staff aware/use manual handling protocols?		3.4	2		End Dec	Carol
37 Are trolleys, stepstools available if required?		3.4	2	ensure trolley used when required to lift heavy materials	End Dec	Carol
41 RCD Push button test completed? (portable - 3 months, fixed 6 monthly).		3.60	2	allocate person to test	End Dec	Carol
48 Is there a security breach register?			1	need to develop procedure	End March 2012	Carol
49 Is there a Visitor/Tradesperson Sign In/Out Register?			1	sign in procedure needs to be used	End Nov	Carol

Question		Act	Regs	Value		Action:	Date:	Person
50	Internal Security suitable for work area?			1		Ensure doors locks in place and compliant	End March 2012	Carol
55	Is ergonomic training offered to staff?			1		Training to be undertaken March 2012	End March 2012	P Myers
57	Have all work stations been ergonomically assessed? (Keyboard directly in front of monitor, easily adjustable chair, top of monitor at eye level, footrest available if required).	19		2		To be undertaken in March 2012	End March 2012	P Myers
58	Staff aware of ergonomic protocols?			2		need to inform staff of ergonomic assessment sheet	End March 2012	P Myers

## 1.4 SMS IMPLEMENTATION CHECKLIST



OSH Targets for June 2011- March 2012  
 Complete 100% of the SMS Implementation Checklist by March 2012  
 Hold regular meetings where safety is an agenda item  
 Complete bi monthly number of workplace inspections

SMS Implementation Checklist	Person Responsible	Completion Date
<b>Section 1 - Management Commitment</b>		
Person given the authority & management responsibility for OSH issues and understands the employer's duties under OSH legislation	Brian, John and Carol	Complete
OSH Policy detailing OSH responsibilities is signed and displayed in the workplace	Brian and Carol	Complete
<b>Section 2 - Planning</b>		
Assign responsibilities for each item in the AS 4801 audit report and set timeframes for completion.	Brian John and Carol	Complete
Copy of OSH Act & Regulations have been made available to employees in the workplace	John and Carol	Dec 2011
Preferred contractor list including records of certificates and licenses is maintained	John and Carol	February 2012
Evacuation plans are displayed in highly visible places in the workplace	John and Carol and Paul Myers	Plans completed, need putting up in office / depot
Regular emergency drills are held as per 'F2.1 OSH Activities Schedule'	John and Carol	Ongoing
Planned preventative maintenance register for equipment/plant/vehicles has been developed	John and Carol	Feb 2012
<b>Section 3 - Consultation</b>		
Pre-start meetings, toolbox talks & safety committee meetings schedule has been developed and distributed to staff	John and Carol	Ongoing
Issue resolution procedure has been reviewed in consultation with employees and displayed in the workplace	John and Carol	Dec 2011
<b>Section 4 - Hazard Management</b>		
Employees advised of incident/accident and hazard reporting procedures	John and Carol	Complete
Incident and Hazard report forms located where employees can access	John and Carol	Complete
Hazard management flowchart is printed and displayed in the workplace (see F 2.23 Hazard Management Flowchart)	John and Carol	Complete

Originated Date: 1 June 2011  
 Review Date: 1 March 2012  
 Version Number: 1





#### 1.4 SMS IMPLEMENTATION CHECKLIST



Risk register developed	John and Carol and Paul Myers	Ongoing
All Supervisor's provided with a copy of the 'Safety Manual' and ensure they understand their role	John and Carol	Complete
JSA conducted on high risk work activities and safe operating procedures developed	John and Carol	Feb 2012
Workplace inspections completed at regular intervals as per "F2.1 OSH Activities Schedule"	John and Carol	ongoing
Record of all first aid provided is kept on register and located near first aid kits	John and Carol	ongoing
First Aid officers are trained and names and contact details are on first aid kits	John and Carol	Ongoing
Development of Asbestos register	John and Carol and Paul Myers	Completed
<b>Section 5 - Training</b>		
Training needs analysis conducted and training register developed	John and Carol	Dec 2011
New and existing staff received an induction and records are kept	John and Carol	Ongoing
PPE and instructions on correct use and maintenance provided to new and existing staff	John and Carol	Ongoing
Supervisors trained in duty of care, incident investigation and risk management practices	John and Carol	Dec 2011
Staff appointed to be responsible for designated roles during emergencies and are adequately trained	John and Carol	March 2012
<b>Section 6 - Workers' Compensation and Injury Management</b>		
Injury management policy is signed and displayed in the workplace	John and Carol	Dec 2011
Person given authority and responsibility for claims and injury management	John and Carol	Dec 2011
Incident/Accident reporting flowchart printed and displayed (Form 2.24 Accident, Incident Reporting Flowchart)	John and Carol	Dec 2011
Claims Package located where employees can access easily	John and Carol	Dec 2011
Alternative or modified duties for rehabilitation of injured workers have been identified	John and Carol	Ongoing
Return to work programs developed for injured workers in accordance with legislation	John and Carol	Ongoing
Workers' compensation claims reviewed regularly and discussed with Municipal WorkCare	John and Carol	ongoing
Workers' compensation claim file created and kept in secure location	Carol	Ongoing

We confirm that the above requirements of the Safety Management System have been completed and implemented into the workplace.

CEO: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_

1 March 2012

Originated Date: 1 June 2011  
Review Date: 1 March 2012  
Version Number: 1



<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies -</b>
<b>APPLICANT:</b>	<b>L.P. Strugnell</b>
<b>FILE REF:</b>	<b>D/3/1</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>The author has no disclosure of interest in this item</b>
<b>DATE:</b>	<b>18<sup>th</sup> November 2011</b>
<b>AUTHOR:</b>	<b>L.P. Strugnell, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>L.P. Strugnell, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

Greg Stubbs of Morapoi Station has requested that Council give consideration to providing \$20,000 towards the event known as the Morapoi Rodeo to be held in April 2012

**BACKGROUND:**

In 2010/2011 Council contributed \$65,000 towards the Morapoi Rodeo. In the 2011/2012 budget a grant of \$20,000 was made available from the 2010 Dry Season Assistance Scheme which has been allocated to Menzies and Tjuntjuntjara to each hold an event that benefits the community. Mr. Stubbs was under the impression that this was earmarked for the Rodeo and would appreciate if his request for \$20,000 could be re submitted.

**COMMENT:**

In the 2011/2012 Budget there is an item for sport and recreation - \$50,000 for Menzies – Morapoi. The \$20,000 can be allocated against this cost centre. Due to past problems with providing funding to the Morapoi Rodeo and breaches of the Financial Regulations it must be clearly understood that staff will not be involved in any activity that breaches any regulation or section of the Local Government Act.

The Chief Executive Officer has received a number of calls seeking information on the Rodeo proposed for April 2012 and it would appear to be an event that Council could encourage by way of a donation without being involved with how the funds were to be spent.

<b>CONSULTATION:</b>	Mr. Greg Stubbs. President, G. Dwyer
----------------------	---

<b>STATUTORY ENVIRONMENT:</b>	Provisions of Local Government (Financial Management ) Regulations
-------------------------------	---

<b>FINANCIAL IMPLICATIONS:</b>	Funds available cost centre MC0001 3710 000 000
--------------------------------	--

<b>VOTING REQUIREMENTS:</b>	Simple Majority
-----------------------------	-----------------

<b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION No: 0081</b>
---

MOVED Cr P.J. Twigg That Council makes a donation of \$20,000 to the Morapoi Rodeo subject to written request from Mr. G. Stubbs – Organizer and an acknowledgement that the donation will be in the form of a cheque. payable on an invoice to be issued immediately after the event.	SECONDED Cr. E. Hansen
---	------------------------

**Carried 7/0**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies -</b>
<b>APPLICANT:</b>	<b>L.P. Strugnell</b>
<b>FILE REF:</b>	<b>F/1/1</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>The author has no disclosure of interest in this item</b>
<b>DATE:</b>	<b>20<sup>th</sup> November 2011</b>
<b>AUTHOR:</b>	<b>L.P. Strugnell, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>L.P. Strugnell, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To approve the details for the advertisement of a notice required under Section 38 of the Bush Fires Act 1954

**BACKGROUND:**

The Act requires that Restricted Burning Times, Prohibited Burning Times, Unrestricted Burning Times and Fire Control Officers details are advertised.

**COMMENT:**

The notice is late and the times for the restricted Burning Times is reduced. All Fire Control Officers have been contacted to ensure they are agreeable to be officers for the area where they reside. It will be necessary for Council to appoint a Chief and Deputy Fire Control Officers as at this stage the positions of Chief Executive officer and Works Manager have not been filled. A Bush Fire Control Officer has not been nominated for the Indigenous settlement at Tjuntjuntjara as it is situated on Crown land.

**CONSULTATION:** Persons listed as Fire Control Officers.

**STATUTORY ENVIRONMENT:** Section 38 of the Bush Fires Act 1954

**38. *Local government may appoint bush fire control officer***

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- [(b) deleted]*
- (2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.

- (2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person who is not a member of staff (as defined in the FESA Act) to the vacant office.
- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
- (a) carrying out normal brigade activities;
  - [(b), (c) deleted]*
  - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
  - (e) procuring the due observance by all persons of the provisions of Part III.
- (5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
- (5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.
- (5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).
- (6) In this section —  
**approved local government** means a local government approved under subsection (7) by the Authority.
- (7) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —
- (a) may approve the local government as one to which subsections (6) to (18) apply; and
  - (b) may from time to time cancel or vary any previous approval given under this subsection.
- (8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (9) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by subsection (17).

- (10) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (11) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under subsection (10) is, subject to subsection (12), entitled to act in the discharge of the duties of that office.
- (12) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under subsection (10) is available and able to discharge those duties.
- (13) The local government shall give notice of an appointment made under subsection (8) or (10) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.
- (14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsections (6) to (18).
- (15) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by subsection (17), notwithstanding the advice and assistance tendered to him by the committee.
- (16) The provisions of subsections (6) to (18) are not in derogation of those of any other subsection of this section.
- (17) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “catastrophic”, “extreme”, “severe” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (18) Subsections (6) to (18) do not authorise the burning of bush —
- (i) during the prohibited burning times; or
  - (ii) during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.
- [Section 38 amended by No. 35 of 1957 s. 7; No. 20 of 1958 s. 2; No. 11 of 1963 s. 18; No. 67 of 1970 s. 4; No. 65 of 1977 s. 36; No. 51 of 1979 s. 4; No. 60 of 1992 s. 21; No. 14 of 1996 s. 4; No. 10 of 1998 s. 20(2); No. 42 of 1998 s. 16; No. 38 of 2002 s. 29; No. 25 of 2009 s. 12; No. 19 of 2010 s. 52(4).]*

### **38A. Authority may appoint Chief Bush Fire Control Officer**

- (1) At the request of a local government the Authority may appoint a member of staff (as defined in the FESA Act) to be the Chief Bush Fire Control Officer for the district of that local government.
- (2) Where a Chief Bush Fire Control Officer has been appointed under subsection (1) for a district the local government is not to appoint a Chief Bush Fire Control Officer under section 38(1).



- (3) The provisions of this Act, other than section 38(3) to (5C) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government.
- (4) Section 38(3) to (5C) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if —
  - (a) he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government; and
  - (b) the references in those subsections to the local government were references to the Authority.

*[Section 38A inserted by No. 38 of 2002 s. 30; amended by No. 19 of 2010 s. 52(4).]*

**POLICY IMPLICATIONS:**

Not Applicable

**FINANCIAL IMPLICATIONS:**

Cost of Advertisement included in 2011/2012 budget.

**VOTING REQUIREMENTS:**

Simple Majority

<b>OFFICER RECOMMENDATION / COUNCIL DECISION No: 0082</b>
---

MOVED Cr J.A. Dwyer

SECONDED Cr C. Bennell

That Council:

1. Appoint Cr. C. K. Purchase as the Chief Fire Control Officer and the Works Manager as the Deputy Chief Fire Control Officer.
2. Appoint the following list of Officers to be Fire Control officers for the 2011/2012 season:

Ian Tucker: Adelong Station	08 9024 2150
David McQuie Bulga Downs Station	08 9037 5917
Kim Dawson: Edjudina Station	08 9024 2525
Stephen Tonkin Gindalbie Station	08 9024 2070
Trent Stillman Glenorn Station	08 9031 3 636
Greg Hucks Jeedamia Station	0409 296 380
Greg Hucks Kookynie Station	0409 296 380
Greg Hucks Melita Station	0409 296 380
Geoff Ferguson Mendelyarri Station	08 9024 2080
Geoff Ferguson Menangina Station	08 9024 2080
Leanne Cooper: Morapoi Station	08 9031 3380
Justin Stevens Mt. Vettars Station	08 9024 2700
Ian Ridley Perrinvale Station	08 9037 5920
Ian Smith Pinnacles Station	08 9031 3992
Don North Riverina Station	08 9024 2048
Paul Axford Sturt Meadows Station	08 9037 5910
Iain McGregor Yerilla Station	08 9031 3017
Brick Gilbey Yundamindra Station	08 9031 3012
Keith Mader Walling Rock Station	08 9024 2086
Ethan Hansen Tjuntjuntjara Community	08 9037 1100

3. Advertise the above appointments and the following Notice to Owners and Occupiers.

## **SHIRE OF MENZIES**

### **Notice to all Owners and/or Occupiers of Land in the Shire of Menzies**

Pursuant to the powers contained in Section 38 of the Bush Fires Act 1954, you are hereby required, on or before the 1<sup>st</sup> Day of November 2011 to clear fire breaks and remove flammable material from land owned or occupied, by you as specified hereunder.

This work must be carried out by the 1<sup>st</sup> Day of November 2011 and kept maintained throughout the summer months up to and including the 31<sup>st</sup> day of March 2012.

**1.0 Land Outside Townsites.**

1.1 Buildings on land which are located outside townsites shall be surrounded by a fire break not less than two metres wide and that land inside the fire break shall be cleared of flammable material.

**2.0 Land in Townsites.**

2.1 Where the area of land is 2,000 sqm or less, all flammable material shall be removed from the land.

2.2 Where the area of land is 2,000sqm or more, fire breaks of at least 2.5metres wide shall be cleared of all flammable materials and in general comply with the requirements of the Explosive and Dangerous Goods Act 1931.

**3.0 Fuel Dumps/Tanks/Depots**

Where there are flammable liquid or gas containers on the land, such and shall be cleared and kept clear of all flammable materials and in general comply with the requirements of the Explosive and Dangerous Goods Act 1961

**4.0 General Provisions.**

The term "Flammable Materials" for the purpose of this notice included (as defined in the Bush Fires Act 1954) timber, boxes, cartons, paper and like materials, but does not include buildings, green standing trees and bushes or growing bushes or plants in gardens or lawns. If it is considered impracticable for any reason to clear the land of flammable materials, you may apply to the Council for permission to prepare fire breaks in an alternative position. If such permission is not granted, you shall comply with the provisions of this notice. If the requirements of this notice are carried out by burning, such burning shall comply with the provisions of the Bush Fires Act 1954. The penalty for failing to comply with this notice is a fine of \$1,000 and a person is also liable, whether prosecuted or not, to pay the cost of performing work directed by this notice if it is not carried out by the owner or occupier by the required date.

By Order of the Council  
L.P. Strugnell  
Chief Executive Officer

**Restricted Burning Time:**

From 1.11.2011 to 14.12.2011

From 1.04.2012 to 30.04.2012

**Prohibited Burning Time:**

From 15.12.2011 to 31.03.2012

**Unrestricted Season:**

From 1.05.2012 to 31.10.2012

**Carried 7/0**

<b>SUBMISSION TO:</b>	Ordinary Meeting of Council
<b>LOCATION:</b>	Shire of Menzies
<b>APPLICANT:</b>	C. McAllan
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	The author is a member of the staff to which this item applies.
<b>DATE:</b>	22 <sup>ND</sup> November 2011
<b>AUTHOR:</b>	C. McAllan. Deputy CEO
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	L.P. Strugnell, Chief Executive Officer
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the closure of the Administration Centre over the Christmas – New Year period.

**BACKGROUND:**

Traditionally, the Administration Centre is closed over the period between Christmas and New Year to allow staff to travel to enjoy Christmas with family. Any days not being Public Holidays are taken as Annual Leave or Leave Without Pay by written agreement with each staff member concerned. It is usual to contact surrounding Shire's to ensure uniform opening hours across the area.

**COMMENT:**

As there are vacancies in the office, this only affects 3 people. Beverley Golding is available to open the Resource Centre for whatever hours Australia Post insist on. The Caravan Park Caretaker (Barry Lewis) will be away for 3 days in this period but his position will be filled.

**CONSULTATION:** Shire of Leonora

**STATUTORY ENVIRONMENT:**

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Public Holidays and Annual Leave are covered in the 2011/2012 annual budget.

**VOTING REQUIREMENTS:** Simple Majority required

<b>OFFICERS RECOMMENDATION – COUNCIL RESOLUTION NO: 0083</b>
--

MOVED Cr J.A. Dwyer

SECONDED Cr C. Bennell

That Council approve of the Administration Centre to close for the Christmas period at 5pm Wednesday 21<sup>st</sup> December 2011 to re open at 8.30am on Wednesday 4<sup>th</sup> January 2012

**Carried 7/0**

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	Acting CEO – L.P. Strugnell
FILE REF:	
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	24 <sup>TH</sup> November 2011
AUTHOR:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

**SUMMARY:**

A request has been made for Council for Council to purchase Lot 199 Baker Street Menzies from Susanne Harford.

The other is to sell Lot 364 Cosmos Street Kookynie to Mrs. Maida Contessi.

**BACKGROUND:**

Lot 199 Baker Street Menzies was purchased by Mrs Susanne Harford during one of Council's land sales. She is asking \$17,000 for the property. Without a professional survey of the area it is difficult to be certain that a road doesn't run through part of the lot. If that was to be the case Council may not have any option but to buy the lot or reconstruct the street. There are other streets in Menzies that have been physically closed off but appear to not have been officially closed. Corners have been truncated and possibly on lots not undercontrol of Council.

Lot 364 Cosmos Street Kookynie is an old title issued for Municipal Purposes, A Ms Maida Contessi of Laverton is interested in purchasing the lot. This lot is in a prime location and Council would be unwise to dispose of it. There is always a possibility of Council requiring land in Kookynie for it's own use and land in that position and that size would not be readily available.

To dispose of land Council must abide by the provisions of section 3.58 of the Local Government Act.

**CONSULTATION:** President G. Dwyer

**STATUTORY ENVIRONMENT:** Section 3.58 of the Local Government Act.

**3.58. *Disposing of property***

- (1) In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
  - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

<b>POLICY IMPLICATIONS:</b>	N/A
<b>FINANCIAL IMPLICATIONS:</b>	At this stage N/A
<b>VOTING REQUIREMENTS:</b>	Simple Majority

MOVED Cr I.R. Tucker

SECONDED Cr. C. Bennell

That Council:

1. Advise Mrs Harford that Council will not make a decision on the purchase of Lot 199 Baker Street until streets in that area have been surveyed for true alignment.
2. Take the necessary action to have the corner points of the lots surrounded by Baker, Devas, Onslow Street, Crusoe Road and Florence Street to be surveyed to establish the correct alignments.
3. Advise Ms.Contessi that Council is not prepared to dispose of Lot 364 Cosmos Street Kookynie.

**Carried 7/0**

MOVED: Cr. C. Bennell

SECONDED: Cr. I.R. Tucker

That Council move behind closed doors at 3pm.

**Carried 7/0**

## CONFIDENTIAL ITEM

No: 10.2.1 RECRUITMENT OF CHIEF EXECUTIVE OFFICER.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies – Administration.
APPLICANT:	L.P. Strugnell
FILE REF:	
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	23 <sup>rd</sup> November 2011
AUTHOR:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell , Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

### SUMMARY:

### BACKGROUND:

### COMMENT:

### CONSULTATION:

Lydia Highfield  
President G. Dwyer

### STATUTORY ENVIRONMENT:

Sections 5.36,5.38,5.39,5.41,5.42,5.43  
and 5.44 of the Local Government Act.

Local Government Operational  
Guidelines No: 10 Appointing a Chief  
Executive Officer.

Local Government (Financial  
Management) Regulations 1996 Clause 5.

### 5.36. *Local government employees*

- (1) *A local government is to employ —*
- (a) *a person to be the CEO of the local government; and*
  - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (2) *A person is not to be employed in the position of CEO unless the council —*
- (a) *believes that the person is suitably qualified for the position; and*
- (b) *is satisfied\* with the provisions of the proposed employment contract.*

*\* Absolute majority required.*

- (3) *A person is not to be employed by a local government in any other position unless the CEO —*
- (a) *believes that the person is suitably qualified for the position; and*
  - (b) *is satisfied with the proposed arrangements relating to the person's employment.*
- (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*

- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]

### **5.38. Annual review of certain employees' performances**

*The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.*

### **5.39. Contracts for CEO and senior employees**

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
  - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
  - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
- (a) the expiry date is specified in the contract;
  - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
  - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3).]

### **5.41. Functions of CEO**

*The CEO's functions are to —*

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;



- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

#### **5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

*\* Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

*[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]*

#### **5.43. Limits on delegations to CEO**

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

*[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]*

#### 5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —  
**conditions** includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

## Appointing a CEO

### Local Government Operational Guidelines - Number 10 August 2005

[www.dlgld](http://www.dlgld).

<sup>1</sup> Selecting and appointing a CEO is one of the most important tasks elected members may undertake during their term of office. Choosing the right person is critical to the success of the council and the local government.

<sup>2</sup> It is essential that correct processes are followed so that every opportunity is given to the candidates to put the appropriate information forward so the council can choose the person most suited to the position. It is important that elected members understand that when they appoint a CEO they are entering into a contractual relationship with the CEO. A commitment to trust and good faith by both parties will lead to an effective relationship between the council and the CEO. This guideline has been developed to assist councils to conduct an effective process when selecting their new CEO.

#### 2. Legislation

<sup>3</sup> There are three sections of the Local Government Act 1995 (the Act) that have direct application to the appointment of a CEO. Section 5.36 of the Act requires a local government to employ a "suitably qualified" person to fill the position of CEO. Section 5.39 contains provisions for the contracts of CEOs. Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

<sup>4</sup> The principles of merit and equity refer to the process of filling vacancies whereby a thorough assessment is made of the candidates' skills, knowledge and abilities against the work related requirements of the vacancy. The process must be open, competitive and free from bias, unlawful discrimination, nepotism or patronage.

<sup>5</sup> "Suitably qualified" is not defined in the legislation but the

intention is not limited to academic qualifications. Through the position description and selection criteria the council needs to ensure that processes are in place to appoint the person that best meets the qualities required in terms of academic qualifications, experience, skills and knowledge.

### **3. Outsourcing the Recruitment Process**

<sup>6</sup> Depending on the size of the local government and the availability and skills of staff, outsourcing the recruitment process may be the best option.

<sup>7</sup> Generally recruitment consultants provide a professional service and possess a wide range of knowledge and skills in staff recruitment. It is recommended that rigorous checks be conducted on any recruitment consultants before they are appointed to ensure they have the necessary skills and experience (local government recruitment experience would be beneficial) to effectively assist the council in its selection of a CEO.

<sup>8</sup> An early decision needs to be made by council on whether it will handle the recruitment in-house or appoint a consultant to coordinate the appointment process. If a recruitment consultant is chosen, council should provide the consultant with a copy of these guidelines as part of the appointment process.

<sup>9</sup> A recruitment consultant may be involved in the following aspects of the selection process –

- development or review of the position description;
- development of selection criteria;
- drafting of the advertisement;
- preliminary assessment of the applications;
- final shortlisting;
- drafting of the questions for interview;
- coordinating interviews; and
- finalising the contract.

<sup>10</sup> If a decision is made to outsource the recruitment process it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with the consultant. In order to manage the contract efficiently and ensure an effective outcome, regular contact with the consultant is required during the process.

### **4. Reviewing Necessary Documentation**

<sup>11</sup> There are two very important documents that need to be reviewed and approved by council prior to advertising the position. These are the Position Description Form and the Contract of Employment.

#### **Position Description Form**

<sup>12</sup> The Position Description Form, particularly the selection criteria and performance criteria (where it is included in the Position Description Form) should be reviewed prior to advertising. The council, a committee of council or the consultant (if one is used) should undertake this task.

<sup>13</sup> Council needs to determine what they want their CEO to do and whether the selection criteria will facilitate the appointment of a person with the appropriate set of skills. For example, it may be very important that a CEO work with diverse elements of the community such as developers, mine operators, Indigenous communities or other specific interest groups. Therefore, a selection criterion might be “Proven ability to work and negotiate with diverse groups in the community”. If such a criteria is not included an assessment of the applicants’ abilities in this area may be overlooked. This is why councils must decide when commencing the task of appointing a new CEO that the skills and qualities required are well understood and documented.

<sup>14</sup> Selection criteria are generally classified as “essential” and “desirable”. Applicants who are able to satisfy all the

essential criteria should be considered for interview. If an application does not fully address the essential selection criteria the applicant should not be considered for interview. However, on occasions an application may be received where the applicant has the skills and experience which indicate a capacity to satisfy the essential selection criteria even though it is not clearly elaborated in the application. In these circumstances the application may warrant further consideration. Desirable criteria are not an essential requirement of the position. They are normally identified to attract applicants who may have a wider range of skills and experience which an employer would consider desirable.

<sup>15</sup> Council may decide that it would be more appropriate to attract applicants with a wider range of knowledge, experience and management skills than just local government. If this is the case the selection criteria should accommodate this.

### **Performance Criteria**

<sup>16</sup> Performance criteria are quantitative and/or qualitative measures of performance. There are two broad categories of performance criteria. Those that have general application and apply at all times and specific criteria that apply for a limited period of time. An example of the first type would be, "Advice to council is relevant, accurate and timely." An example of the second type of performance criteria would be, "Calling of tenders for the new recreation centre is undertaken on time and in compliance with the law." It is obvious that the first is always going to be required, whereas at other times the local government will not be building a new recreation centre.

<sup>17</sup> Council may set ongoing permanent performance criteria that will be included in the contract. The successful applicant needs to be informed that performance criteria relevant to a specific project/s will also be subject to annual negotiation. These will be assessed at least once during each year.

<sup>18</sup> In setting performance criteria, council will need to determine what it is they want their CEO to do over and above legislative requirements. Councils need to be realistic in terms of their expectations and provide appropriate resources to facilitate achievement of performance criteria. The performance criteria must be consistent with the position description and the selection criteria.

<sup>19</sup> It is not essential that performance criteria relating to a specific project/s are identified prior to the appointment but, if not, they must be identified very soon after so that the new CEO is aware of what is required of him or her in the coming year or years.

### **Contract of Employment**

<sup>20</sup> The council should review and amend, where necessary, the existing terms and conditions of the CEO contract before proceeding to advertise the position. In accordance with section 5.39(7) of the Act, a local government is to take into account the recommendations contained in the report of the Salaries and Allowances Tribunal as to the remuneration to be paid to a CEO.

<sup>21</sup> It is also recommended that council obtains advice on the contract where alterations or amendments are proposed and there is the slightest doubt as to the meaning of those alterations or amendments.

<sup>22</sup> The Department has worked with the Western Australian Local Government Association and Local Government Managers Australia to prepare a model contract. It is recommended that this model be used as the basis for the contract of employment with the new CEO. The model

contract can be downloaded from the Department's website at [www.dlgrd.wa.gov.au](http://www.dlgrd.wa.gov.au).

## **5. Advertising the Vacancy**

<sup>23</sup> Ideally, the position should be advertised as widely as possible to attract the best possible field. The minimum requirement for advertising under Local Government (Administration) Regulation 18A(1) is for the position to be advertised in a newspaper circulating generally throughout the State.

<sup>24</sup> Regulation 18A(2) prescribes the minimum requirements to be included in an advertisement for the position of CEO.

<sup>25</sup> The content and context of advertisements should be carefully considered. An attractive and well constructed advertisement is more likely to attract the interest of potential candidates.

**p03.**

<sup>26</sup> A comprehensive application kit comprising documentation relevant to the vacant position should be developed and provided to potential applicants on request. Reference to, and instructions on how to access the kit should be included in the advertisement.

<sup>27</sup> Allow sufficient time within the advertisement for potential applicants to prepare and forward applications. It is recommended that the position be open for a minimum of two weeks with a definite date and time after which applications will not be considered.

## **6. Confidentiality**

<sup>28</sup> From the beginning to the conclusion of the process, absolute confidentiality must be maintained by every person involved in the selection process. This cannot be emphasised enough, as any information which finds its way into the public domain before a recommendation is made to council may well compromise the selection process.

<sup>29</sup> Council should consider the use of a confidentiality agreement, which requires all persons involved in the selection process to agree to appropriate levels of confidentiality.

## **7. Selection and Appointment Process**

<sup>30</sup> The selection and appointment process to be applied to a CEO position must be approved by council prior to advertising as prescribed under Local Government (Administration) Regulation 18C.

<sup>31</sup> Extensive consideration should be given to the overall process, especially the shortlisting, whether preliminary interviews will be conducted and whether final interviews will be with full council. Council must be very clear about the methods, techniques and questions used during the selection process.

<sup>32</sup> It is essential that the council manages the process professionally and members involved in the process have a thorough understanding of their roles and responsibilities.

<sup>33</sup> Council may decide to establish a committee to coordinate the preliminaries of the selection process. This committee should liaise with the employment consultant if one is appointed.

<sup>34</sup> The respective roles of a consultant, council committee, full council and an individual elected member must be clear.

<sup>35</sup> Applicants should be shortlisted according to their capacity to address the relevant selection criteria. Where there is a large pool of applicants, the most competitive should be shortlisted for interview. It is the responsibility of the interview panel/selection committee to determine how many applicants it will interview. Their assessment must involve detailed consideration of the applications and may involve a preliminary interview. The interview panel/selection



committee should be provided with the full list of applicants, not just those recommended for short listing and interviews.

<sup>36</sup> Elected members may act as referees for applicants. This most often occurs when a person already employed by the local government applies for the CEO position. When this occurs it is recommended that the member provide a written referee report prior to interview (assuming the applicant is granted an interview).

<sup>37</sup> Elected members should declare any previous association with a potential applicant at the time of shortlisting if they are part of the interview panel/selection committee established for the purpose. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If a member's relationship with an applicant is significant and may result in claims of nepotism, patronage or bias the member should exclude themselves from the selection process.

<sup>38</sup> Where rating scales and other scoring tools are used to assess the relative performance of applicants, it is important that all elected members and other members involved in the interview understand how these are applied so they produce meaningful results. The interview panel/selection committee may also consider using psychological or other testing as part of the selection process.

## **8. Conducting the Interview**

<sup>39</sup> The interview process can be challenging for both panel members and applicants.

<sup>40</sup> It is a practice in local government that the full council be involved with the final interview and selection. This is perfectly understandable, as all members of council have to work closely with this person and trust them. Often, all elected members feel they need to be involved in the assessment and final selection. If this does not occur it is desirable that at the very least, all members of council have the opportunity to meet the recommended applicant prior to the appointment being considered by council.

<sup>41</sup> Applicants should be provided with at least five working days notice of the impending interview wherever possible to allow them to adequately prepare for the interview. Obviously, if you are a council in regional Western

p04.

Australia and are expecting an applicant to travel, then sufficient time needs to be allowed. Interviewing over a weekend may be an option.

<sup>42</sup> It is important to provide an environment that puts the interviewee at ease and allows them to perform at the highest possible level. In this regard, consideration should be given to environmental factors such as location and lighting etc. A well organised process will ensure that everything runs smoothly.

<sup>43</sup> The importance of the chairperson in managing the interview process cannot be overstated. The chairperson is responsible for ensuring that the interview is managed efficiently and effectively.

<sup>44</sup> Ideally, all elected members who are to be in attendance at the final interview should be involved in planning the interview process. Each applicant must be subject to the same assessment method, ie interview questions, tests etc. It is quite acceptable for the panel to ask additional questions to clarify a point or tease out further information during the interview.

<sup>45</sup> It is not necessary for all elected members to have the

opportunity to ask a question. Often, it is best to allocate the questions to a small group of elected members (maximum 3) which ensures consistency of approach.

<sup>46</sup> At the conclusion of the interview it is appropriate to provide the applicant with an opportunity to clarify any issues with the panel/ selection committee.

## **9. Making a Decision**

<sup>47</sup> The council should not make a decision to appoint an applicant until all available information has been considered. This includes, but is not limited to, assessment of interview performance, quality of application, referee reports, copies of reports written by the applicant and the results of any psychological or other tests (if used).

<sup>48</sup> The council must be satisfied regarding the claims by the applicant about their relative experience and qualifications. Local Government (Administration) Regulation 18E makes it an offence for a person to provide false information relating to their academic qualifications.

<sup>49</sup> Given the importance of the position of CEO, a police clearance should be sought.

<sup>50</sup> Referee reports are an important part of the process and should be in writing and address the relevant selection criteria for the position.

<sup>51</sup> The council may source a referee who is not one nominated by an applicant, providing they advise the applicant of their intention to do so.

<sup>52</sup> In the event that a referee who was not nominated by the applicant provides a report that contains negative comments, the applicant should be given the opportunity to respond to any such comments.

## **10. Finalising the Appointment**

<sup>53</sup> Eventually, after considering all the information available to it, the interview panel/selection committee then has to make a decision on which applicant is the most suitable for appointment.

<sup>54</sup> A selection report should be prepared for consideration by council which documents the assessment of each applicant interviewed. The report should identify the most suitable applicant and include a recommendation for appointment.

<sup>55</sup> Following decision of council to approve the appointment and the contract finalised, the successful applicant should be offered the position. It is strongly recommended that the successful candidate not commence duties with the local government until the contract is signed.

<sup>56</sup> The unsuccessful applicants (including those not interviewed) should be notified of the decision and offered the opportunity to seek feedback on their application or interview performance if they were granted an interview.

<sup>57</sup> Should an unsuccessful applicant request feedback, it is recommended that the chairperson of the interview panel/selection committee provide this. If a recruitment consultant is used they can undertake this task.

<sup>58</sup> Local Government (Administration) Regulation 18F does not allow a local government to increase the value of a CEO's remuneration and benefits in excess of those advertised when finalising the appointment. If the remuneration and benefits are to be increased prior to finalising the appointment, the position must be readvertised.

<sup>59</sup> It is intended that this Guideline be read in conjunction with the companion document, "Gender Diversity and the Selection of CEOs and Senior Staff in Local Governments", developed by the Advisory Committee on Women in Local Government.

## 5. *Financial management duties of the CEO*

- (1) *Efficient systems and procedures are to be established by the CEO of a local government —*
  - (a) *for the proper collection of all money owing to the local government;*
  - (b) *for the safe custody and security of all money collected or held by the local government;*
  - (c) *for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);*
  - (d) *to ensure proper accounting for municipal or trust —*
    - (i) *revenue received or receivable;*
    - (ii) *expenses paid or payable; and*
    - (iii) *assets and liabilities;*
  - (e) *to ensure proper authorisation for the incurring of liabilities and the making of payments;*
  - (f) *for the maintenance of payroll, stock control and costing records; and*
  - (g) *to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*
- (2) *The CEO is to —*
  - (a) *ensure that the resources of the local government are effectively and efficiently managed;*
  - (b) *assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
  - (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.*

*[Regulation 5 amended in Gazette 31 Mar 2005 p. 1047 and 1053.]*

### **POLICY IMPLICATIONS:**

Nil

### **FINANCIAL IMPLICATIONS:**

Provision in 2011/2012 budget.

### **VOTING REQUIREMENTS:**

At this stage Simple Majority required

<b>OFFICER RECOMMENDATION – COUNCIL RESOLUTION No: 0085</b>
---

MOVED CrJ.A. Dwyer

SECONDED Cr C. Bennell

That Council:

1. After the interview with the candidate on 26<sup>th</sup> November 2011, consider the applications for the position of Chief Executive Officer and select any further candidates considered suitable for short listing for interview by the selection committee.
2. Appoint Lydia Highfield of Western Australian Local Government Association to chair the interview process on Saturday 3<sup>rd</sup> December 2011 at 10am for the already arranged interview.
3. Confer with Mrs. Highfield on the questions Councillors intend to ask at the interviews prior to the interview commencing.

**Carried 7/0**



## CONFIDENTIAL ITEM

No: 10.2.2 ACTING CHIEF EXECUTIVE OFFICER – REVIEW OF APPOINTMENT AND CONDITIONS OF EMPLOYMENT

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	Acting CEO – L.P. Strugnell
FILE REF:	Personal File – LP Strugnell
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	23 <sup>rd</sup> November 2011
AUTHOR:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

### SUMMARY:

### BACKGROUND:

### COMMENT:

### CONSULTATION:

**STATUTORY ENVIRONMENT:** Local Government Act section 5.36,5.37,5.38 and 5.39

### ***5.36. Local government employees***

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and(b) is satisfied\* with the provisions of the proposed employment contract.

*\* Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

*[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]*

### **5.37. Senior employees**

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

*[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]*

### **5.38. Annual review of certain employees' performances**

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

### **5.39. Contracts for CEO and senior employees**

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
- (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
- (a) the expiry date is specified in the contract;
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and

- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the *Salaries and Allowances Act 1975*, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

*[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3).]*

**POLICY IMPLICATIONS:** N/A

**FINANCIAL IMPLICATIONS:** Allowance made in 2011/12 budget.

**VOTING REQUIREMENTS:** Absolute Majority.

<b>OFFICER RECOMMENDATION – COUNCIL RESOLUTION NO: 0086</b>
---

MOVED Cr J.A. Dwyer

SECONDED Cr P.J. Twigg

That Council:

Continue the employment of the Acting Chief Executive Officer from 24<sup>th</sup> November 2011 to the 31<sup>st</sup> March 2012, if required, on the following terms and conditions:

- Salary per week \$4000
- Superannuation of 15% based on 9% superannuation contribution and an additional 6% with a contribution of 6% by the Acting Chief Executive Officer. - \$600.00
- Rent free accommodation including gas, water and telephone.
- Private use of Chief Executive Officer's vehicle in accordance with Council policy.
- Fuel expenses for one trip to Busselton and return to Menzies.
- On job travel allowance as required or approved by President.
- Study Allowance. N/A
- Professional Membership. N/A
- Be paid for Public Holidays.
- Be paid 5 (five) days in lieu of weekends worked.
- Return to Busselton on 22<sup>nd</sup> December 2011 as paid leave and recommence at Menzies on or before the 9<sup>th</sup> January 2012

**Carried 7/0**

## CONFIDENTIAL ITEM

No: 10.2.3

TJUNTJUNTJARA COMMUNITY ROAD GRANTS.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	L.P. Strugnell
FILE REF:	
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	23 <sup>rd</sup> November 2011
AUTHOR:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

### SUMMARY:

### BACKGROUND:

### COMMENT:

**CONSULTATION:** Local Government Department

**STATUTORY ENVIRONMENT:** Financial Management Regulations 1996  
Section 5(1)(e)(2)(a)(c)  
Section 11(1)(2)

### 5. *Financial management duties of the CEO*

(1) *Efficient systems and procedures are to be established by the CEO of a local government —  
(e)to ensure proper authorisation for the incurring of liabilities and the making of payments;*

(2) *The CEO is to —  
(a)ensure that the resources of the local government are effectively and efficiently managed;*

(c)*undertake reviews of the appropriateness and effectiveness of the financial management systems and  
procedures of the local government regularly (and not less than once in every 4 financial  
years) and report to the local government the results of those reviews.*

### 11. *Payment of accounts*

- (1) *A local government is to develop procedures for the authorisation of, and the payment of, accounts  
to ensure that there is effective security for, and properly authorised use of —*
- (a) *cheques, credit cards, computer encryption devices and passwords, purchasing cards and  
any other devices or methods by which goods, services, money or other benefits may be  
obtained; and*
  - (b) *petty cash systems.*

- (2) *A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.*

**POLICY IMPLICATIONS:**

N/A

**FINANCIAL IMPLICATIONS:**

Funds to road works – Indigenous Access Road Funding provides funds for portion of Tjuntjuntjara Road.

**VOTING REQUIREMENTS:**

Absolute Majority Required

<b>OFFICER RECOMMENDATION / COUNCIL RESOLUTION No: 0087</b>
---

MOVED CrC.K. Purchase

SECONDED Cr C. Bennell

That Council:

1. Approve the payment to PaupiyalaTjarutja Aboriginal Corporation of \$115,610.00 for road works carried out in June, July and August. Invoices 5908, 6073 and 6278
2. Advise PaupiyalaTjarutja Aboriginal Corporation that Council will not consider paying for any further works carried out which have not been approved by way of an official order form.
3. Decline payment for the \$914.98 for repairs to the rubbish truck.

**Carried 7/0**

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. P.J. Twigg

That Council come out from behind closed doors at 5.04pm.

**Carried 7/0**

Cr. Dwyer then read aloud all resolutions from behind closed doors.

10	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
----	---

Nil

10.1	ELECTED MEMBERS MOTIONS WITH PREVIOUS NOTICE
------	--

Nil

10.2	CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS
------	--

10.2.1 Recruitment of Chief Executive Officer

10.2.2 Acting CEO – Review of Appointment and Conditions of Employment

10.2.3 Tjuntjuntjara Community Road Grants

10.3	REPORTS OF COUNCILLORS AND STAFF
------	----------------------------------

*President: Cr. G. Dwyer*

*Attended a Meeting for the Lake Ballard Association on 9/11/2011  
Conducted at Kalgoorlie. Ivan Forrest chaired the meeting. Shire represented by Cr. G. Dwyer, Cr. C.K. Purchase and DCEO Carol McAllan. Item 7.9 was an amendment to the quorum with the Association passing a resolution to accept Mrs. Joan Tucker and Miss Alana Cameron to become members of the Lake Ballard Association.*

*Attended Goldfields Tourism Network A G M on 10/11/2011  
Menzies was the chair for the last year. Coolgardie accepted the chair for the coming year. Jesse Brampton has completed an audit of the Golden Quest Discovery Trail which may impact on the Shire's future budgets in relation to new signage and maintenance. Funding is being sought by Goldfields Tourism Network to try to reduce the costs to Shires.*

*Attended a meeting for Community Resource Centre on 14/11/2011  
There was no quorum to hold a meeting however there was general discussion. The handover date is now likely to be February to coincide with quarterly funding.*

*Attended a meeting with KPMG on 16/11/2011  
Met with two consultants to give overview of Menzies Shire with an outlook regards to future plans.*

*Attended Tidy Towns Awards in Perth on 18/11/2011  
Menzies was awarded with the Enhancing Cultural Identity award which we also won in 2010*

*Attended a Roadwise Meeting on 23/11/2011*

*Deputy President: Cr. P.J. Twigg*

*No Reports.*

*Cr. C. Bennell:*

*No Reports*

*Cr. J.A. Dwyer:*

*No Reports*

*Cr. D. Hansen:*

*No Reports*

*Cr. C.K. Purchase:*

*No Reports*

*Cr. I.R. Tucker:*

*No Reports*

<b>11. NEXT MEETING / MEETING CLOSURE</b>
---

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. C. Bennell

That the next meeting start at 12noon.

**Carried 7/0**

The next Ordinary meeting of Council will be held on Thursday December 15<sup>th</sup> 2011 at 12 noon.

There being no further business to discuss, the President declared the meeting closed at:5.29pm.