



SHIRE OF MENZIES

MINUTES

**FOR THE ORDINARY MEETING OF COUNCIL
HELD ON**

Thursday 28 November 2013

Shire of Menzies Council Chambers

Commencing at 10.00am

**SHIRE OF MENZIES
NOTICE OF ORDINARY COUNCIL MEETING**

Dear Council Member,

The next Ordinary Meeting of the Shire of Menzies will be held on Thursday 28 November 2013 in the Shire of Menzies Council Chambers commencing at 10.00am.

N P Crawford
Chief Executive Officer

Date

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act or omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

**FINANCIAL INTEREST
(EFFECTIVE 1 JULY 1996)**

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

Councillors should declare an interest:

- a) In a written notice given to the CEO before the meeting: or**
- b) At the meeting immediately before the matter is discussed**

A member who has declared an interest must not:

Preside at the part of the meeting relating to the matter: or
Participate in, or be present during any discussion or decision making procedure relating to the matter.

unless the member is allowed to do so under Section 5.68 or 5.69, Local Government Act 1995

Ref: Local Government Act 1995 Division 6 – Disclosure of Financial Interest. Specifically Sections 5.60, 5.61, 5.65 and 5.67

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AGENDA FOR ORDINARY MEETING OF COUNCIL

1. DECLARATION OF OPENING

The Shire President, Cr Greg Dwyer, declared the meeting open at 10.05am, welcomed the attendees, visitors and guests and proceeded with the Agenda as planned.

2. ANNOUNCEMENT OF VISITORS

Menzies Youth Advisory Council Members: Tahlee Blizzard, Shauna Blizzard, Sethen Sheehan-Lee, Gary Tucker, Tiniel Harris, Allanna O'Donoghue
Menzies School Staff Member: Mr Holland

3. RECORD OF ATTENDANCE

3.1 PRESENT:

Councillors:	Cr G Dwyer	President
	Cr P J Twigg	Deputy President
	Cr C Bennell	Councillor
	Cr I R Tucker	Councillor
	Cr J Graham	Councillor
	Cr J Mazza	Councillor
	Cr J Lee	Councillor
Staff:	Mr N P Crawford	Chief Executive Officer
	Ms B Povah	Deputy CEO
	Mr R Pepper	MWS

3.2 APOLOGIES

Councillors:	Nil	
Staff:	Mrs D Crawford	MCD

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE.

Nil

7. DECLARATIONS OF INTEREST

Nil

8. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

9. CONFIRMATION OF MINUTES

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON THURSDAY 31 OCTOBER 2013**

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

NO: 0444

Moved: Cr J Mazza

Seconded: Cr P Twigg

That the minutes of the Ordinary Meeting of Council held on 31 October 2013 be confirmed as a true and accurate record.

10.08am

CARRIED: 7/0

10. PETITIONS/DEPUTATIONS/PRESENTATIONS

Members of the Menzies Youth Advisory Council from the Menzies School, accompanied by their teacher Mr Holland, provided a presentation and minutes of the first meeting held on 8 November 2013

**11. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
PRESIDENT'S REPORT (tabled at the meeting)**

Tuesday 12 November	5.30pm attended Public Meeting to discuss Main Street Upgrade. Four members of the public attended.
Friday 15 November	Met with the CEO, Deputy CEO and Sarjit Singh, RPS Consultant for the Goldfields Esperance Housing Needs Assessment.
Wednesday 20 November	Attended Northern Goldfields Local Inter Agency Meeting in Leonora
Thursday 21 November	Cr Mazza and I met with Ian McKay at T+R Homes and chose colour schemes, fixtures and fittings for two new homes for staff. At 3.00pm Cr Mazza, CEO and myself met at Mindax West Perth with Paul Lynch (Mindax) and Dean Carter (Macarthur Minerals) for talks on Project Coordinator and Scoping Study.
Friday 22 November	MWS Ray Pepper and I attended a meeting of the Regional Roads Group at Kalgoorlie Boulder City offices At 3.00pm, met with GEDC, Wendy Duncan MLA, Robert Fenn (Landcorp) and David Utting (YIPA) via telephone, with discussions on light industrial land and land release in Menzies.

**VOTING REQUIREMENTS:
Simple Majority Decision required**

OFFICER'S RECOMMENDATION/COUNCIL DECISION:	NO: 0445
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Moved: Cr I Tucker

Seconded: Cr J Mazza

That the President's Report, as tabled, be received.

10.28am

CARRIED: 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.2 FINANCE AND ADMINISTRATION BUSINESS

12.2.1 MONTHLY FINANCIAL REPORT – OCTOBER 2013

SUBMISSION TO:	Ordinary Meeting of Council 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM017
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	15 November 2013
AUTHOR:	Brooke Povah, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	

ATTACHMENTS:

Attachment 12.2.1A: Monthly Statement of Financial Activity and associated reports, including the Compilation Report from UHY Haines Norton

SUMMARY:

Statutory Financial Reports are submitted to Council for receipt as a record of financial activity during the reporting month

BACKGROUND:

The monthly reports have been prepared by UHY Haines Norton to reflect revenue and expenditure transactions for the period to 31 October 2013.

COMMENT:

A Management Report is prepared by UHY Haines Norton to support the report and alert Council to matters of significance or trends outlined by the report presented.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations – Regulation 34

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0446
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Moved: Cr Mazza

Seconded: Mr P Twigg

That Council acknowledges receipt of the Statement of Financial Activity and associated reports for the period to 31 October 2013.

10.32am

CARRIED: 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.2 FINANCE AND ADMINISTRATION BUSINESS

12.2.2 LISTING OF PAYMENTS MADE IN OCTOBER 2013
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SUBMISSION TO:	Ordinary Meeting of Council 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM017
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	15 November 2013
AUTHOR:	Brooke Povah, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	

ATTACHMENTS:

Attachment 12.2.2A: List of payments made to Creditors in October 2013

SUMMARY:

The list of payments made is required to be submitted to the Ordinary Meeting of Council.

BACKGROUND:

Payments have been made by both cheque payment and electronic funds transfer from Council's Municipal bank account and duly authorised as required by Council Policy. These payments have been made under authority delegated to the CEO and are now reported to Council for approval.

COMMENT:

Payments made in October 2013 include cheques numbered 9833 to 9854 and direct payments totalling \$618,292.13.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine local government policies; and

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

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS:

Policy 4.7 – Creditors – Preparation for payment

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

NO: 0447

Moved: Cr J Lee

Seconded: Cr I Tucker

That Council approves the payments identified in the list of payments made from the Shire of Menzies Municipal Bank account in October 2013 include cheques numbered 9833 to 9854 and direct payments totalling \$618,292.13.

10.33am

CARRIED: 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.1	ADOPTION OF POLICY 3.6 INFORMATION TECHNOLOGY – ACCESS AND USE
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SUBMISSION TO:	Ordinary Meeting of Council, 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM 355
DISCLOSURE OF INTEREST:	None
DATE:	6 November 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.4.1A: Information Technology – Access and Use
Attachment 12.4.1B: Policy Schedules

SUMMARY:

For Council to consider the adoption of a Policy dealing with access to and the usage of information technology in the workplace

BACKGROUND:

At the Ordinary Meeting of Council held in December 2007, Council Adopted a Code of Conduct dealing with use of Information Technology. When the Policy Manual was reviewed in the latter part of 2008, it appears that this Code of Conduct was not formulate into a policy and included in the Policy Manual.

COMMENT:

The policy manual was reviewed at the Ordinary Meeting in September 2013. However, at that time, an IT Policy was in the process of being prepared and was not available at the time.

Council are now requested to adopt the attached policy on the use of IT within the Shire of Menzies (See Attachment 12.4.1A).

CONSULTATION:

Mr Niel Mitchell – Consultant

Shire Management Staff

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no specific Policy in relation to this matter.

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0448
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Moved Cr P Twigg

Seconded: Cr J Lee

That Council adopts the following Policy 3.6 Information Technology – Access and Use, for inclusion in the Shire of Menzies Policy Manual:

3.6 Information Technology – Access and Use

Introduction	<p>This Policy outlines the conditions governing the use of all Information Technology (IT) facilities provided by the Shire of Menzies.</p> <p>Information technology resources are provided to support the Shire's administrative and operational activities. These resources include the Shire's network, desktop computer systems and software, internet access, electronic mail (email), mobile devices and related services.</p> <p>Users of these systems are expected to comply with the following policy schedule which is written with the intent of protecting the integrity of these systems so as to provide reliable IT services to users, and also to protect the right of each employee to work in a healthy and safe environment.</p>
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Objective	This policy deals with the provision of information technology resources by the Shire and the associated responsibilities of authorised users when accessing these resources.
History	Adopted – _____
Policy Statement	

1. The following Schedule/s are adopted, and form part of this Statement –
 - Policy Schedule 3.6 (a) – Principles of Access and Use of Information Technology
 - Policy Schedule 3.6 (b) – Control, Management and Security
 - Policy Schedule 3.6 (c) – Internet Access
 - Policy Schedule 3.6 (d) – Email Use
 - Policy Schedule 3.6 (e) – Internet and Email Record Keeping
2. This Policy and its Schedules are to be provided to all staff having access to information technology, as part of their induction and employment information provided.
3. Policy acceptance by Employee – I have received and read the Policy and associated Schedules, and agree to comply with the requirements.

Name _____

Received by

Signature _____

DCEO _____

Date _____

Date _____

– End of Policy

10.36am

CARRIED: 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.2	PROPOSED LOCAL LAW AMENDMENT – ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES 2007
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SUBMISSION TO:	Ordinary Meeting of Council, 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM002
DISCLOSURE OF INTEREST:	None
DATE:	1 November 2013
AUTHOR:	Niel Mitchell, Consultant
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	Item 12.4.2 of Ordinary Meeting of Council 24 April 2013

ATTACHMENTS:

Attachment 12.4.2A: Proposed Activities in Thoroughfares and Public Places Amendment Local Law 2013

SUMMARY:

The purpose of this report is to:

- 1) consider the submissions (if any) received on the proposed Shire of Menzies Activities in Thoroughfares and Public Places Amendment Local Law 2013 and determine if any drafting amendment(s) are required to the Amendment local law as a result of the submissions received;
- 2) give notice of the purpose and effect of the Shire of Menzies Activities in Thoroughfares and Public Places Amendment Local Law 2013;
- 3) make the Shire of Menzies Activities in Thoroughfares and Public Places Amendment Local Law 2013, incorporating all amendments;
- 4) authorise the local law's publication in the *Government Gazette*;
- 5) give local public notice, (after Gazettal), of the date the Shire of Menzies Activities in Thoroughfares and Public Places Amendment Local Law 2013 will come into effect; and
- 6) authorise the affixing of the Common Seal to the local law.

BACKGROUND:

At the ordinary meeting held on the 24 April 2013, Council resolved to commence the process to make a Shire of Menzies Activities in Thoroughfares and Public Places Amendment local law.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

COMMENT:

Council advertised, both locally and state-wide, for public comment on the proposed Activities in Thoroughfares and Public Places Amendment Local Law 2013. At the close of the submission period, no public submissions had been received.

An advertisement was placed in the Kalgoorlie Miner on 26 April 2013 and the West Australian on 4 May 2013, with the submission period for public comment closing on Tuesday 18 June 2013.

A submission was received from the Department of Local Government and Communities on 4 September 2013. The comments from DLGC, except for two matters, the suggestions related entirely to formatting and set out, without affecting any provisions, and have been incorporated into the final draft of the amendment local law. The two matters were insertion of definitions –

- “**missile**” has the same meaning as in section 4 of the *Firearms Act 1973*;
- “**Schedule**” means a Schedule in this local law;

DLGC had also noted that the map in the proposal needed greater clarity and better reference points. After discussion with the CEO, it was decided to remove the map entirely as the area of the Reserve is sufficiently referenced by its reserve and lot numbers. While the map may help to visualise the area, it does not add anything to the Local Law in legal terms.

An incorrect reference in Schedule 1 was also noted, and a correction was made by deleting clause reference “2.2(1) (0)” and substitution “2.2(1) (j)”. As this is a correction and not a significant difference, readvertising of the proposed Amendment Local Law is not required.

Once formally adopted by Council, the Amendment Local Law –

- is published in the Government Gazette
- copies are sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation,
- signed copy is sent to the Minister
- local public notice given of adoption (as opposed to proposal previously advertised), and

Please note –

- disallowance of the amendment local law may be made by Parliament, and could take some time depending on sitting days
- does not take effect until 14 days after Gazettal.

CONSULTATION:

Peter Crawford, CEO Shire of Menzies

Bei Bei Guo, Legislation Officer, Department of Local Government and Communities

STATUTORY ENVIRONMENT:

Local Government Act 1995:

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

Firearms Act 1973

POLICY IMPLICATIONS:

There are no policy implications for this item.

FINANCIAL IMPLICATIONS:

Advertising costs associated with placement of the amendment local law in the Government Gazette and giving local notice of the date the local law takes effect.

STRATEGIC IMPLICATIONS:

Reserve management

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

NO: 0449

Moved: Cr P Twigg

Seconded: Cr J Lee

That Council –

- 1. Notes the submission from the Department of Local Government in relation to the proposed Shire of Menzies Activities in Thoroughfares and Public Places Amendment Local Law 2013;**
- 2. Notes the minor change to correct the clause reference to 2.2(1)(j) in Schedule 1;**

- 3. Resolves to make the Shire of Menzies Activities in Thoroughfares and Public Places Amendment Local Law 2013, as per the Attachment, incorporating amendments outlined by the Department of Local Government,**
- 4. Publishes the Shire of Menzies Activities in Thoroughfares and Public Places Amendment Local Law 2013, as per (2) above, in the Government Gazette and provide copies of the local law to the Minister for Local Government;**
- 5. Forwards a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review; and**
- 6. Authorises the affixing of the Common Seal of the Shire of Menzies to the Shire of Menzies Activities in Thoroughfares and Public Places Amendment Local Law 2013.**

10.38am

CARRIED: 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.3 COUNCILLORS INFORMATION BULLETIN 10/13
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SUBMISSION TO:	Ordinary Meeting of Council, 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM029
DISCLOSURE OF INTEREST:	None
DATE:	8 November 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

None

SUMMARY:

For Council to receive the Information Bulletin.

BACKGROUND:

The Information Bulletin 10/13 containing general and confidential information was previously circulated to Councillors.

COMMENT:

The intent of the Information Bulletin is to keep Council updated with the latest information relevant to the role of elected members.

Due to some confidential documents contained therein, the Information Bulletin is not for the general public's viewing and should be kept secure at all times.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine local government policies; and

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

The Information Bulletin is designed to keep Councillors updated with information relevant to their roles as elected members.

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0450
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Moved: Cr P Twigg

Seconded: Cr C Bennell

That Council acknowledges receipt of Information Bulletin 10/13 for the period ended 31 October 2013.

10.41am

CARRIED: 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.4	POLICY AMENDMENTS – HOUSING BONDS AND KEEPING OF PETS
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SUBMISSION TO:	Ordinary Meeting of Council, 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM355
DISCLOSURE OF INTEREST:	None
DATE:	10 November 2013
AUTHOR:	Niel Mitchell, Consultant
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

- Attachment 12.4.4A: Amended Policy –9.1 – Shire Accommodation – Rental Charges
- Attachment 12.4.4B: Amended Policy 9.2 – Shire Housing – Tenancy Conditions

Proposed amendments are highlighted with insertions underlined and deletions having a strikethrough.

SUMMARY:

To clarify existing policies in relation to the keeping of pets, and the bonds required for housing and pets.

COMMENT:

The recent departure of a staff member has required that the policy concerning the keeping of pets in houses needs to be reviewed in a different light (See Attachments 12.4.4A and 12.4.4B).

Proposed amendments are highlighted with insertions underlined and deletions having a strikethrough.

Conditions of a tenancy, their administration and termination can sometimes be problematic, and the suggested changes are proposed to reduce further, any issues that may arise in the future.

- 9.1 – Shire Accommodation – Rental Charges

The proposed deletion in point (2) of setting of the level of bonds in the Budget, allows the bonds charged to be amended at any time, without the need to advertise. Removal of the requirement for consideration in Budget does not permit the CEO to determine the bonds, as these are now set in Policy 9.2 (2) (f) (g)

- 9.2 – Shire Housing – Tenancy Conditions

Several amendments are suggested –

- CEO approval for dogs to be kept in the house is required. No approval is necessary if the pets are only outside, other than to notify the CEO so that the appropriate bond can be deducted and held.
- Clause (2)(f) now stipulates the general housing / security bond at \$500.00
- Clause (2)(g) sets the pet bond at \$200.00, intended to cover any additional costs that may be incurred (cleaning, repairs, gardens restoration etc)
- New Clause (2)(j) outlines the circumstances in which deductions may be made from the bond/s held, what may be initiated if insufficient money is held to cover the cost, and giving several examples of the type of work that may be charged to a former tenant. While it is expected that some additional cleaning may be required, and some minor repairs resulting from normal use and wear and tear, excessive cleaning or repair of damage is not expected nor acceptable.

There is no requirement to advertise as the bonds are not set by Budget, are not a public charge and are made under the Residential Tenancies Act rather than the Local Government Act.

CONSULTATION:

Mr Peter Crawford – CEO
Ms Brooke Povah – DCEO.

STATUTORY ENVIRONMENT:

Residential Tenancies Act

POLICY IMPLICATIONS:

Amendments to existing Policies

FINANCIAL IMPLICATIONS:

Stipulating the amount of bonds a tenant is to lodge through the Shire.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

NO: 0451

Moved: Cr J Mazza

Seconded: Cr I Tucker

That the amendments to the following Policies be approved, as proposed in the attached drafts –

- **9.1 – Shire Accommodation – Rental Charges**
- **9.2 – Shire Housing – Tenancy Conditions**

10.57am

CARRIED: 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.5	LORD MAYOR'S DISTRESS RELIEF FUND
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SUBMISSION TO:	Ordinary Meeting of Council, 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	Lord Mayor of Perth
FILE REF:	ADM407
DISCLOSURE OF INTEREST:	None
DATE:	2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.4.5A: Letter from Lord Mayor of Perth

SUMMARY:

For Council to consider making a donation to the Lord Mayor's Distress Relief Fund

BACKGROUND:

The Lord Mayor's Distress Relief Fund was established in 1961 to provide relief for Western Australians who have been suffering hardships as a result of natural disasters.

The funds are presided over by a board of management and administration which is all free of charge.

COMMENT:

A letter has been received from Ms Lisa Scaffidi, the Right Honourable the Lord Mayor of Perth seeking donations towards the fund (See Attachment 12.4.5A)

The organisation is a worthy cause and as there are adequate funds available, Council is encouraged to contribute to this fund.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

Council has funds available in the Budget for this purpose

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0452
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Moved: Cr I Tucker

Seconded: Cr J Lee

That Council agrees to make a donation of \$1,000 towards the Lord Mayor's Distress Relief Fund.

10.59am

CARRIED: 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.6 APPOINTMENT OF “COMPLAINTS OFFICER”

SUBMISSION TO:	Ordinary Meeting of Council, 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM028
DISCLOSURE OF INTEREST:	None
DATE:	14 November 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

None

SUMMARY:

For Council to consider the appointment of Chief Executive Officer Mr Peter Crawford as “Complaints Officer” for the Menzies Shire Council in accordance with Local Government Act Section 5.120.

BACKGROUND:

In 2007 the Local Government Act was amended to introduce new provisions relating to the conduct of Council members, complaints and punishment which is known as Local Government (Rules of Conduct) Regulations 2007.

The amendments related to the administrative processes relating to complaints against Council members for breaches and the punishment of elected members who are found to be in breach of the new legislation.

COMMENT:

This action is necessary to comply with Local Government Act. It is not known who the previous Complaints Officer was but it is assumed that it was the previous CEO.

The rules of conduct legislation has a focus on what is called “General principles to guide the behaviour of council members” as described at Regulation 3 shown in the Papers Relating. Any person can lodge a complaint regarding a breach of the legislation. Breaches can be reported for up to two years after the event.

Breaches are classified as Minor or Serious. These are defined in sections 5.105(1) and 5.105(3) respectively of the amendments to the Act

A complaint of a minor breach is referred to a Standards Panel established by the Minister. If the complaint is of a recurrent nature then it is referred directly to the Executive Director of the Department who may in turn refer the matter to the State Administrative Tribunal. Penalties for minor and recurrent breaches are listed at section 5.110(6) and 5.117 respectively of the amendments to the Act.

A complaint of the serious breach is referred directly to the Executive Director who again may refer it to the State Administrative Tribunal. Penalties for serious breaches are listed at section 5.117 of the amendments to the Act.

The above described processes and outcomes do not negate the existing obligation for certain matters to be reported to the Corruption and Crime Commission.

Section 5.106 of the amendments to the Act identifies that “A finding that a breach has occurred is to be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur”. This appears to give more weighting to the complaint rather than the defence.

Other important issues that evolve from this new legislation included: -

- The Department has advised that the implementation, processes and outcomes of this new legislation are under constant review.
- Council may appoint a Senior Officer as the organisations Complaints Officer. In the absence of such a resolution the duty falls to the CEO or a person acting in the position. It would be appropriate to appoint the CEO by resolution as the CEO can then delegate in accordance with the provisions of the Act to the DCEO along the lines of “...in my absence...”
- The Complaints Officer is to maintain a register of details of complaints lodged. This is a public document available for public inspection;
- A local government is to report in its annual report the details of number of complaints received and how they were dealt with;
- Details of complaints lodged are to be kept confidential.
- Mediation can be attempted in the first instance however once a complaint is formally lodged it must be processed through the prescribed system.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,

- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- Sections 5.103 to 5.125 – All deal with the requirements and procedures regarding the handling and recording of complaints

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0453
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Moved: Cr J Lee

Seconded: Cr P Twigg

That Council appoints the Chief Executive Officer Mr Peter Crawford as “Complaints Officer” in accordance with Section 5.120 Local Government (Rules of Conduct) Regulations 2007 of the Local Government Act 1995.

11.01am

CARRIED: 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.7	APPOINTMENT OF “PUBLIC INTEREST DISCLOSURE” OFFICER
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SUBMISSION TO:	Ordinary Meeting of Council, 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM302
DISCLOSURE OF INTEREST:	None
DATE:	14 November 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

None

SUMMARY:

For Council to consider the appointment of the Deputy Chief Executive Officer Ms Brooke Povah as “Public Interest Disclosure Officer” for the Menzies Shire Council in accordance with the Public Interest Disclosure Act 2003.

BACKGROUND:

The Public Interest Disclosure Act 2003 came into operation on 1 July 2003. Council is required to appoint a Public Interest Disclosure Officer who is to receive and deal with disclosures of public interest under this Act and also is to ensure that the identity of a person making a public interest disclosure is not disclosed.

COMMENT:

The Public Interest Disclosure Act is also known as the “Whistleblower” Act. (It is designed to protect informants).

It is unclear who the last PID Officer was for the Shire of Menzies but it is expected that it was the last permanent CEO.

Council is now requested to appoint the Deputy Chief Executive Officer Ms Brooke Povah to the position of “Public Interest Disclosure Officer” for the Menzies Shire Council.

CONSULTATION:

Ms B Povah - DCEO

STATUTORY ENVIRONMENT:

Public Interest Disclosure Act 2003

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0454
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Moved: Cr J Lee

Seconded: Cr J Mazza

That Council appoints the Deputy Chief Executive Officer Ms Brooke Povah to the position of Public Interest Disclosure Officer” for the Menzies Shire Council

11.01am

CARRIED: 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.8	MAIN STREET MEDIAN STRIP UPGRADE
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SUBMISSION TO:	Ordinary Meeting of Council, 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM369
DISCLOSURE OF INTEREST:	None
DATE:	13 November 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 12.4.5 of Ordinary Meeting of Council 26 September 2013

ATTACHMENTS:

Attachment 12.4.8A: Drawing of proposed median strip upgrade

SUMMARY:

For Council to consider the outcomes of the Community Meeting held on Tuesday, 12 November 2013

BACKGROUND:

At the Ordinary Meeting of Council held Thursday, 26 September 2013, Council was informed of the progress of the median strip upgrade and what action was needed to further action this matter.

COMMENT:

A design drawing was not available to present to Council at the October Meeting as intended due to a delay in negotiations between Main Roads WA and the consultant Mr Bret Howson.

A final drawing has been tentatively approved by MRWA and is now subject to Council approval before final submission. In order for MRWA to formally consider the submission, they must be satisfied that the Shire has consulted with the community and that the Council has considered the outcomes of that community meeting.

A public meeting was advertised and subsequently held in the town hall at 5.30 pm on Tuesday, 12 November 2013. Attendance at this meeting was rather disappointing with

only four members of the community attending along with the Shire President and four staff.

The President outlined the purpose of the meeting and invited those present to put forward their views on the design and ask questions on the matter.

Most of the discussions centred on the proposed removal of trees from the middle of the median strip. The trees have been in situ for quite a number of years and there is some dissent as to whether they should remain or be removed.

MRWA would prefer to see the trees go as they contravene a number of criteria:

- The trees are within the clear zone which breaches the Road Safety Strategy
- The trees are within 4 metres of the vehicle travel path
- The location of the trees does not support the Towards Zero safety plan that is being promoted state wide by both MRWA and WALGA

It is also possible that we could be ordered to remove the trees by MRWA at a later date. To do this would be rather expensive depending on what infrastructure is constructed as part of the median strip upgrade. The location of the trees is also an issue with north bound wide loads where trucks need to cross to the wrong side of the road to travel through Menzies.

MRWA have also stated that replacing the trees with another species would be frowned upon as they do not want any plants within the pavement area in order to ensure that there is no ingress of water under the pavement.

There are some options available to Council including the use of planter boxes of a frangible type, especially those that are watertight.

Other issues that were raised at the meeting were:

- Possible planting of trees in the footpath areas
- Planter boxes in the footpath areas
- More trees to be planted around the town to compensate for losing the trees in the median strip.

CONSULTATION:

Ms K Keable – Network Operations Manager – MRWA
Mr B Howson - Consultant
Menzies Community

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

Funding for this project has been provided for in the current Budget

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0455
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Moved: Cr J Lee

Seconded: Cr J Mazza

That Council:

1. Approves the plan as presented for the upgrade of the median strip,
2. Directs the Chief Executive officer to progress the plan with Main Roads Western Australia, and,
3. Requests the Chief Executive Officer to begin the planning process to have more trees planted in and around Menzies, subject to Budgetary constraints.

11.14am

CARRIED: 7/0

13. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

15. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

Nil

16. NEXT MEETING

The next Ordinary Meeting of Council will be held on Wednesday
18 December 2013 at Shire of Menzies Council Chambers commencing at
3.00pm

17. CLOSURE OF MEETING

The President closed the meeting at 11.19am

18. CERTIFICATION BY CHAIRMAN

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 28 November 2013 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held on 18 December 2013.

Signed _____

Dated: _____ 2013