



MINUTES

ORDINARY COUNCIL MEETING

Thursday October 27th 2011
Commencing At 9.02am

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 COUNCIL MEETING

October 27th 2011

Commencing at 9.02 am

MINUTES

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chief Executive Officer, Mr.L.P. Strugnell assumes the role of Chairperson and declares the meeting open, welcomes those in attendance and called on Mr. J. Mazza – Justice of the Peace to preside over the making of declarations by the newly elected members under the provisions of section 2.29 of the Local Government Act.

Mr. G. Dwyer read and signed the Declaration by Elected Member of Council to the office of Councillor which was witnessed by Mr. J. D. Mazza.

Mr. P.J Twigg read and signed the Declaration by Elected Member to the office of Councillor which was witnessed by Mr. J.D. Mazza.

Mr. C. Bennell read and signed the Declaration by Elected Member of Council to the office of Councillor which was witnessed by Mr. J.D. Mazza.

Mr. D.G Hansen read and signed the Declaration by Elected Member of Council to the office of Councillor which was witnessed by Mr. J. D. Mazza.

The Chief Executive Officer calls for nominations for the position of President.

Cr. I.R. Tucker nominated Cr. G. Dwyer.

There were no further nominations.

Cr. G. Dwyer Elected as President of the Shire of Menzies.

Cr. G. Dwyer read and signed the Declaration by Elected Member of Council to the office of President which was witnessed by Mr. J.D. Mazza.

President G. Dwyer assumed control of the meeting, welcomed elected members and others.

President G. Dwyer calls for nominations for the position of Deputy President for a two year term.

Cr. I.R. Tucker nominated Cr. P.J. Twigg.

There were no further nominations.

Cr. P.J. Twigg Elected as Deputy President for the Shire of Menzies.

Cr. P.J Twigg read and signed the Declaration by Elected member of Council elected to the office of Deputy President which was witnessed by Mr. J.D. Mazza..

President G. Dwyer then proceeded with the meeting.

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

Attendance:

Councillors:

Cr. G. Dwyer	President
Cr. P.J. Twigg	Deputy President
Mr. C. Bennell	Councillor
Cr J.A Dwyer	Councillor
Mr. D.G Hansen	Councillor
Cr I.R Tucker	Councillor

Staff:	Mr L.P Strugnell	Acting CEO
	Ms C. McAllan	Deputy CEO

Apologies:	C.K. Purchase	Councillor Elect
------------	---------------	------------------

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

4	PUBLIC QUESTION TIME
----------	-----------------------------

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

The Acting Chief Executive Officer declares an interest in item 9.9

6	PETITIONS / DEPUTATIONS / PRESENTATIONS
----------	--

Nil

7	CONFIRMATION OF PREVIOUS MINUTES
----------	---

MOVED: Cr. J.A. Dwyer

SECONDED: Cr I.R. Tucker

That the minutes of the Ordinary Meeting of Council on September 23rd 2011as presented be adopted.

Carried 6/0

8	QUESTIONS ON NOTICE.
----------	-----------------------------

Nil

9	REPORTS OF COMMITTEES AND OFFICERS
----------	---

TABLE OF CONTENTS

- 9.1 Financial Statements and Reports to July 31st 2011
- 9.2 Cheques for payment July 31st 2011
- 9.3 Annual Financial Statements
- 9.4 Appointment of G Agnew as Authorized Officer.
- 9.5 Travel Expenses for Elected Members
- 9.6 Development Assessment Panels – Request for Nominations.
- 9.7 Confidential Item – Rate Arrears – R Andrei
- 9.8 Confidential Item – Funding Issues with Roads to Recovery Program
- 9.9 Confidential Item – Recruitment of Chief Executive Officer

SUBMISSION TO:	Ordinary Meeting of Council – 27 th October 2011.
LOCATION:	Shire of Menzies
APPLICANT:	Carol McAllan
FILE REF:	A/2/6
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	October 21 st 2011
AUTHOR:	Carol McAllan, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell , Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY

That the Financial Statements and Reports to the statements to July 31st, 2010 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.

The Financial Statements for the Month of July were not available at the time of printing but will be available for the meeting.

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.]

POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
VOTING REQUIREMENTS:	Simple Majority required

OFFICER RECOMMENDATION /COUNCIL RESOLUTION	No: 0059
---	-----------------

MOVED Cr J.A Dwyer

SECONDED Cr P.J. Twigg

That the Financial Statements to July 31st 2011. be addressed as the last item at the meeting as they are not available at the moment.

Carried 6/0

9.2 ACCOUNTS FOR PAYMENT TO JULY 31ST 2011
--

SUBMISSION TO:	Ordinary Meeting of Council – 27 th October 2011.
LOCATION:	Shire of Menzies
APPLICANT:	Carol McAllan
FILE REF:	A/2/6
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	October 21 st 2011
AUTHOR:	Carol McAllan, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY

To approve cheque numbers from including direct debits and bank statement transfers totalling as presented for payment in terms of the submitted lists.

BACKGROUND:

This report is a standard mandatory requirement.

COMMENT:

The Accounts for payment for the month of July were not available at the time of printing but will be available for the meeting.

CONSULTATION:

Ms Mandy Wynne, Haines Norton.

STATUTORY ENVIRONMENT

Local Government (Financial Management Regulations 1996 Regulation 13,34

POLICY IMPLICATIONS:

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).

FINANCIAL IMPLICATIONS:

Reduction to the Municipal Fund Balance

VOTING REQUIREMENTS:

Simple Majority required

OFFICER RECOMMENDATION / COUNCIL RESOLUTION No: 0060
--

MOVED Cr J.A. Dwyer

SECONDED Cr P.J. Twigg

That the Cheques for Payment to July 31st 2011 be addressed as the last item of the Meeting as they are not available at the moment.

Carried 6/0

SUBMISSION TO:	Ordinary Meeting of Council – 27 th October 2011.
LOCATION:	Shire of Menzies -
APPLICANT:	L.P. Strugnell
FILE REF:	A/6/1
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	21 st October 2011.
AUTHOR:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

BACKGROUND:

Section 6.4 of the Local government Act states:

6.4. Financial report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to —*
 - (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
 - (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

COMMENT:

The accounts of the Shire of Menzies and the annual financial report were not completed in the prescribed period. Application was made to the Minister for an extended period to the 31st October 2011 and this was granted.

The acceptance of the financial report is to be adopted and included in the Annual report.

CONSULTATION:

Statements prepared by Ms. Mandy Wynne of UHY Haines Norton.

STATUTORY ENVIRONMENT:

Local Government Act section 6.4
Local Government(Financial Management)
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.]*

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

VOTING REQUIREMENTS: Simple majority required.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION	No: 0061
--	-----------------

MOVED Cr J.A. Dwyer

SECONDED Cr I.R. Tucker

That the Annual Financial Statements and reports to the Statements to June 30th 2011 as presented be adopted.

Carried 6/0

SUBMISSION TO:	Ordinary Meeting of Council – 27 th October 2011.
LOCATION:	Shire of Menzies - Admin
APPLICANT:	L.P. Strugnell
FILE REF:	Personnel File – G. Agnew
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	6 th October 2011
AUTHOR:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

Council is to formalise its appointment of Garry Agnew as Environmental Health Officer, Authorised Officer under the Food Act 2008 and Building surveyor for the Shire of Menzies.

BACKGROUND:**COMMENT:**

Council is aware that for a Local Government to authorise a person to perform the statutory function of Environmental Health Officer, Building Surveyor or Authorised Officer under the Food Act 2008 formal gazettal and delegation of authority must occur.

In terms of Mr. Agnew's qualifications his Curriculum Vitae is as follows –

- **DIPLOMA**, Public Health (Environmental Health) – Royal Society of Health.
- **A.I.E.H. PROFESSIONAL RECOGNITION** – Equivalent to WA Degree Status.
- **CERTIFICATE**, Building Surveyor Level 2 (No. 026).
- **DIPLOMA**, Health Technology – Royal Society of Health.
- **DIPLOMA**, Meat Inspection and Other Foods – Royal Society of Health.
- **CERTIFICATE**, Meat Inspection – Department of Primary Industry (Export).
- Food Safety Management System Auditing – RABQSA-AU.
- Community Noise Assessment.
- Advanced Noise Assessment.
- Sociology Units – Claremont Teachers College.
- Health Education Units – Claremont Teachers College.

CONSULTATION: Mr. J. Epis C.E.O Leonora

STATUTORY ENVIRONMENT: Health Act 1911
Food Act 2008
Local Government (Miscellaneous Provisions) Act 1960
Local Government Building Surveyors Regulations 2008

HEALTH ACT 1911

Section 27. Officers of local government

- (1) Every local government may, and when required by the Executive Director, Public Health shall, appoint a medical practitioner as medical officer of health, and also such environmental health officers and analysts as may be deemed necessary by the Executive Director, Public Health.
- (2) Such medical officer of health, environmental health officers, and analysts shall perform such duties as the local government from time to time directs, and also such as are specially prescribed by any order addressed by the Executive Director, Public Health to the local government.

Section 28. Appointments to be approved

- (1) Every appointment by a local government of a medical officer of health, environmental health officer, or analyst shall be subject to the approval of the Executive Director, Public Health who may require satisfactory proof of competency to be supplied, and may give his approval absolutely or with any modification or condition as to the period of appointment or otherwise.

FOOD ACT 2008

Section 122. Appointment of authorised officers

- (1) An enforcement agency may appoint a person to be authorised officer for the purposes of this Act if ---
 - (a) the enforcement agency, having regard to any guidelines issued by the CEO under subsection (2), considers the person has appropriate qualifications and experience to perform the functions of an authorised officer; or
 - (b) the person holds office as an environmental health officer under the Health Act 1911.
- (2) The CEO may issue guidelines that describe the qualifications and experience that are appropriate for a person to be appointed as an authorised officer.
- (3) Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency.

Section 123 Certificates of authority

- (1) An enforcement agency must provide each authorised officer appointed by the agency with a certificate of authority as an authorised officer.
- (2) The certificate of authority must ---
 - (a) state that it is issued under this Act;
 - (b) state the name of the person to whom it is issued and bear a photograph or digital image of that person and the person's signature;
 - (c) state the date, if any, on which it expires;
 - (d) specify any conditions or limitations to which the person's authority is subject; and
 - (e) bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate.

- (3) *An authorised officer is required to produce the certificate of authority ----*
- (a) *if asked to do so by the proprietor of a food business whose premises are entered by the authorised officer; or*
 - (b) *if asked to do so by a person whom the authorised officer requires to produce anything or to answer any question.*

LOCAL GOVERNMENT BUILDING SURVEYORS REGULATIONS 2008

PART 2 ---- Qualifications for appointment to the office of building surveyor

Regulation 4. Qualifications

- (1) *For the purpose of section 373A of the Act, during the transition period a person must hold one of the following before the person is appointed to the office of building surveyor of a local government ----*
- (a) *a Building Surveyor Level 1 certificate;*
 - (b) *a Building Surveyor Level 2 certificate;*
 - (c) *a MBSCQ;*
 - (d) *a BSCQ;*
 - (e) *a building Surveyor Technician certificate.*
- (2) *For the purpose of section 373A of the Act, after the transition period a person must hold one of the following before the person is appointed to the office of building surveyor of a local government ----*
- (a) *a Building Surveyor Level 1 certificate;*
 - (b) *a building Surveyor Level 2 certificate.*

PART 3 – Delegation of authority to approve plans of buildings or unauthorised building work,

Regulation 5. Limitation on delegation of authority to approve plans of buildings or unauthorised building work,

- (1) *Subject to regulation 6, a person to whom a local government may delegate the authority to approve or refuse to approve –*
- (a) *plans and specifications submitted under section 374 of the Act; or*
 - (b) *unauthorised building work,*
must be a person employed under a contract of service by the local government or another local government.
- (2) *If a delegation of an authority is made under section 374AAB(1) of the Act to a person (the delegate), the delegation is subject to the following conditions –*
- (a) *the delegate must not exercise the authority in relation to –*
 - (i) *plans and specifications submitted by the delegate under section 374 of the Act; or*

(ii) an application made by the delegate for the issue of a building approval certificate under section 374AA of the Act;

(b) the delegate must not exercise the authority if the delegate –

(i) is to be the builder in relation to the building work to be carried out under plans and specifications submitted under section 374 of the Act; or

(ii) was the builder in relation to the building work to be carried out under section 374AA of the Act;

(c) the delegate must not exercise the authority in relation to a matter in relation to which the delegate has or had an interest of a type referred to in the Local Government Act 1995 section 5.60(c) or (d).

Regulation 6. Prescribed qualifications that must be held by delegate of authority to approve plans of buildings or unauthorised building work

(1) For the purposes of section 374AAB(2) of the Act, after the transition period, the authority to approve or refuse to approve plans and specifications submitted under section 374 of the Act or unauthorised building work in relation to any building must not be delegated to a person unless that person holds one of the following –

(a) a Building Surveyor Level 1 certificate;

(b) a MBSCQ;

(c) a BSCQ.

(2) For the purposes of section 374AAB(2) of the Act, after the transition period, the authority to approve or refuse to approve plans and specifications submitted under section 374 of the Act or unauthorised building work in relation to any building must not be delegated to a person unless that person holds a Building Surveyor Level 1 certificate.

(3) Despite subregulations (1) and (2), for the purposes of section 374AAB(2) of the Act, the section 374 of the Act or unauthorised building work in relation to a building with a maximum floor area of 2,000 sq. meters and not more than 3 storeys may be delegated to a person if that authority to approve or refuse plans and specifications submitted under person holds a Building Surveyor Level 2 certificate.

(4) Despite subregulations (1) and (2), for the purposes of section 374AAB(2) of the Act, the authority to approve or refuse to approve plans and specifications submitted under section 374 of the Act or unauthorised building work in relation to a building with a maximum floor area of 500 sq. meters and not more than 2 storeys may be delegated to a person if that person holds a Building Surveyor Technician certificate.

(5) If a delegation to an individual under section 374(1b) of the Act (as in force before the commencement day) to approve or refuse plans and specifications under section 374 of the Act has not ceased to have effect immediately before the commencement day, that delegation continues to have effect on or after that day as if it had been made under section 374AAB(1) of the Act.

POLICY IMPLICATIONS:

Not Applicable

FINANCIAL IMPLICATIONS:

Mr. Agnew's appointment to the Shire of Menzies is subject to a contractual arrangement.

VOTING REQUIREMENTS:

Simple Majority required

OFFICER RECOMMENDATION / COUNCIL RESOLUTION
--

No: 0062

MOVED Cr J.A. Dwyer

SECONDED Cr I.R. Tucker

That Council:

1. Mr. Garry Agnew is appointed Principal Environmental Health Officer for the Shire of Menzies pursuant to Section 27 of the Health Act 1911 and that the Executive Director Public Health be requested to formally approve of Mr. Agnew's gazettal under Section 28 of the Health Act 1911.
2. Mr Garry Agnew is hereby appointed Building Surveyor for the Shire of Menzies with delegated authority under Section 374AAB(1) of the Local Government (Miscellaneous Provisions) Act 1960.
3. Mr. Garry Agnew is hereby appointed as an Authorised Officer for the Shire of Menzies under Section 122 of the Food Act 2008.

Carried 6/0

Adjournment of Meeting.

Moved: Cr. J.A. Dwyer

Seconded Cr. C. Bennell

That Council adjourn the Meeting at 10.26am

Moved: Cr. I.R. Tucker

Seconded: Cr. P. Twigg

That Council resume the Meeting at 10.48am.

SUBMISSION TO:	Ordinary Meeting of Council – 27 th October 2011.
LOCATION:	Shire of Menzies -
APPLICANT:	L.P. Strugnell
FILE REF:	C/9/1
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	21 st October 2011
AUTHOR:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

Council to consider the issue of travelling expenses for the elected members travelling from Tjuntjuntjara to Menzies and return for Council meetings.

BACKGROUND:

The Local Government Act section 5.98A (2)(a) and (3) states:

5.98. Fees etc. for council members

- (1) A council member who attends a council or committee meeting is entitled to be paid :
 - (a) the prescribed minimum fee for attending a council or committee meeting; or
 - (b) where the local government has set a fee within the prescribed range for council or committee meeting attendance fees, that fee.
- (2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —
 - (a) the prescribed minimum fee for attending a meeting of that type; or
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the minimum extent of reimbursement for the expense has been prescribed, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the prescribed range (if any) of reimbursement, to that extent.

Local Government (Administration) Regulation 31 states:

31. Expenses that are to be reimbursed — s. 5.98(2)(a) and (3)

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

- (2) *The extent to which an expense referred to in subregulation (1)(a) can be reimbursed is the actual amount.*
- (3) *The extent to which child care costs referred to in subregulation (1)(b) can be reimbursed is the actual cost per hour or \$20.00 per hour, whichever is the lesser amount.*
- (4) *The extent to which travel costs referred to in subregulation (1)(b) can be reimbursed —*
 - (a) *if the person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or*
 - (b) *if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back —*
 - (i) *for the person to travel from the person's place of residence or work to the meeting and back; or*
 - (ii) *if the distance travelled referred to in subparagraph (i) is more than 100 km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.*
- (5) *For the purposes of subregulations (2) to (4), actual amounts and actual costs are to be verified by sufficient information.*

[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034.]

The rate is set under the Public Service Award.

Both of the above refer to reimbursement of travelling expenses.

Since the election of three Councillors from Tjuntjuntjara the problem could arise as to how they will travel to meetings and have to wait to be reimbursed.

Current indications of costs to use aircraft would be prohibitive even if flying direct from Tjuntjuntjara to Menzies and return in the same day and may place some Councillors in a position where they would not remain as Council members.

Flying from Tjuntjuntjara to Menzies via Kalgoorlie would involve accommodation and vehicle hire. There are several options that may be considered:

Option 1.

Trial holding teleconference meetings between Menzies and Tjuntjuntjara on six (6) occasions. Hold three (3) in person meetings in Menzies, one (1) at Kookynie and two (2) at Tjuntjuntjara. This would reduce travel costs considerably.

Option 2.

Reduce the number of Ordinary Meetings to six (6) per year. Section 53 of the Local Government Act requires Ordinary Meetings to be held not more than three (3) months apart. Of these, three (3) could be by teleconference and the other three (3) could be one (1) each at Menzies, Kookynie and Tjuntjuntjara.

The Minute books for 2010/2011 indicate that much of the material need not have gone to Council and the outcomes were very limited. Staff time would have been better spent on functions such as records, filing, monthly statements, budget control, road works recoup and so on. Depending on the level of experience of the incoming Chief Executive Officer there could be some problems with this option.

COMMENT:

Due to the lack of Standing Orders the meetings are conducted without any clear guidelines. The matter has been taken up with the President prior to the October 15th elections and will be an agenda item in the near future. This would ensure the meetings focused on the agenda

items and were conducted in an orderly manner. This would reduce the time taken and allow for time after the meeting to deal with other important issues in a workshop environment on issues such as long term planning issues, draft budget preparation, preparation of Standing Orders and so on.

CONSULTATION:

Councillor G. Dwyer
Ms. Jenni Law. Dept Local Government

STATUTORY ENVIRONMENT:

Local Government Act section 5.98A(2)(a) & (3)
Local Government (Administration) Regulation 31.

POLICY IMPLICATIONS:

Not Applicable

FINANCIAL IMPLICATIONS:

2011/12 Budget increased from \$15000.00 in 2010/11 to \$80,000.00 for all travel expenses.

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION / COUNCIL RESOLUTION	No: 0063
--	-----------------

MOVED Cr

SECONDED Cr

That Council in an endeavour to save costs:

1. Change the current arrangements of monthly meetings to six (6) per year as from January 2012. Three (3) to be by teleconference and the other three (3) could be in person - one each at Menzies, Kookynie and Tjuntjuntjara.

Or

2. Hold teleconference meetings between Menzies and Tjuntjuntjara on six (6) occasions during the year. Hold three (3) in person meetings in Menzies, one (1) at Kookynie and two (2) at Tjuntjuntjara.
3. That Council take the issue up with the Department of Local Government to seek some change to the legislation, if necessary, to allow Councils to take whatever means are necessary to ensure elected members can attend meetings without occurring a significant financial burden.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION	No: 0063
--	-----------------

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. I.R. Tucker

That Council in an endeavour to save costs:

Hold teleconference meetings between Menzies and Tjuntjuntjara on six (6) occasions during the year. Hold three (3) in person meetings in Menzies, one (1) at Kookynie and two (2) at Tjuntjuntjara.

Carried 6/0

OFFICER RECOMMENDATION / COUNCIL RESOLUTION	No: 0064
--	-----------------

That Council take the issue up with the Department of Local Government to seek some change to the legislation, if necessary, to allow Councils to take whatever means are necessary to ensure elected members can attend meetings without occurring a significant financial burden.

Be deferred for the Chief Executive Officer to obtain more information on what is needed to change legislation.

Carried 6/0

No: 9.6 DEVELOPMENT ASSESMENT PANELS – REQUEST FOR NOMINATIONS.
--

SUBMISSION TO:	Ordinary Meeting of Council – 27 th October 2011.
LOCATION:	Shire of Menzies -
APPLICANT:	L.P. Strugnell
FILE REF:	P/9/1
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	21 st October 2011
AUTHOR:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

Following the 15th October 2011 Local Government Elections the Government of Western Australia Development Assessment Panels Acting Director General is seeking details of any changes to the two local members or alternate local members.
A replacement for Councillor G.W. Stubbs will be necessary

BACKGROUND:

It appears that the original request did not go to Council, however the remaining four Councillors were nominated.
Two Local Members – Councillors G. Dwyer and G.W. Stubbs.
Two Alternate Members – Councillors J.A. Dwyer and I.R. Tucker
These nominees were appointed for a term expiring on the 26th April 2013
Refer to attachment.

COMMENT:

Nominees attention is drawn to the fact that they will not be paid by the Council. The Local Development Assessment Panel members are entitled to be paid for their attendance at DAP training and at DAP meetings unless they fall within a class of persons excluded from payment.

CONSULTATION:	Cr. G. Dwyer DCEO – C McAllan
STATUTORY ENVIRONMENT:	Planning & Development (Development Assessment Panels) Regulations 2011.
POLICY IMPLICATIONS:	Nil.
FINANCIAL IMPLICATIONS:	Nil
VOTING REQUIREMENTS:	Simple Majority



Government of Western Australia
Development Assessment Panels

Our Ref: DP/09/00781/2

Mr Brian Seale
Chief Executive Officer
Shire of Menzies
PO Box 4
MENZIES WA 6436

FILE: 613 / 26	ID		
CEO	C	PHES	
22 SEP 2011			
DCEO		PO	
MWS		IC	
		CRS	

Dear Mr Seale

**DEVELOPMENT ASSESSMENT PANELS - REQUEST FOR NOMINATION
DETAILS POST 15 OCTOBER 2011 LOCAL GOVERNMENT ELECTIONS**

The *Planning and Development (Development Assessment Panels) Regulations 2011* (the regulations), which establish the operational framework for Development Assessment Panels (DAPs), were gazetted on 24 March 2011. These panels became operational as of 1 July 2011.

Under DAP regulation 26, your local government was invited to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on your local JDAP.

Following receipt of all local government nominations, the Minister appointed all nominees for up to a two-year term, expiring on 26 April 2013. All appointed local members were placed on the local government member register.

Local Government Elections – 15 October 2011

Local government elections which are scheduled for 15 October 2011 may result in a change to JDAP membership if current councillors, who are DAP members, are not re-elected. Council must consider replacement of DAP members where there is a vacancy.

Local Government nominations are subject to Cabinet consideration prior to formal appointment by the Minister. It is anticipated that this will occur sometime in late November/early December.

It is mandatory for all DAP members to attend training before they sit on a DAP and new members will be advised of DAP training dates and times, which be scheduled for late November in high volume DAPs. Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment.

Members who are not entitled to payment of sitting, training and State

Postal address: Locked Bag 2506 Perth WA 6001 / Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 9000 / Fax: (08) 6551 9001 / corporate@planning.wa.gov.au / www.planning.wa.gov.au
ABN 79 051 750 680
wa.gov.au



Government of Western Australia
Development Assessment Panels

Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without the Minister for Planning's consent, and such consent can only be given with the prior approval of Cabinet. This position is in accordance with *Premier's Circular - State Government Boards and Committees Circular (2010/02)*.

Further information on membership requirements, including the Premier's Circular, is available online at <http://daps.planning.wa.gov.au>.

If there have been changes to your nominated local government DAP members, please provide names, address, email, mobile and land line telephone numbers, date of birth, employer(s) and position(s) on the attached form.

Details regarding new nominations are to be received no later than Monday, 31 October 2011 and are to be emailed to daps@planning.wa.gov.au. If you are unable to meet this timeframe, please contact Simon Wood on 6551 9425.

Where there are no changes, reply by email with the following statement:

The composition of DAPs local government membership for this local government has not changed.

If you have any queries regarding this request for nominations, please contact Ms Robyn Barrow at the Department of Planning – phone 6551 9450 or email Robyn.Barrow@planning.wa.gov.au.

Yours sincerely

Neil Thomson
Acting Director General

16 September 2011

Att

Postal address: Locked Bag 2506 Perth WA 6001 / Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 9000 / Fax: (08) 6551 9001 / corporate@planning.wa.gov.au / www.planning.wa.gov.au
ABN 79 051 750 680
wa.gov.au

DEVELOPMENT ASSESSMENT PANEL NOMINATION FORM

Local Government:	DAP Name:
Nominated Local DAP Member 1	Nominated Alternate Local Member 1
Name: Address: Phone: Mobile: Email: Date of Birth (MANDATORY): Employer name/Occupations(ie self employed, retired, house duties) (MANDATORY):	Name: Address: Phone: Mobile: Email: Date of Birth (MANDATORY): Employer name/Occupations(ie self employed, retired, house duties) (MANDATORY):
Nominated Local DAP Member 2	Nominated Alternate Local Member 2
Name: Address: Phone: Mobile: Email: Date of Birth (MANDATORY): Employer name/Occupations(ie self employed, retired, house duties) (MANDATORY):	Name: Address: Phone: Mobile: Email: Date of Birth (MANDATORY): Employer name/Occupations(ie self employed, retired, house duties) (MANDATORY):

Note: Employer name and position details are required for Cabinet submission and to determine if the nominee is entitled to be paid fees in accordance with the Premiers Circular 2010/02.

Name and contact details of local government minute taker and/or DAP meeting contact (if known):

Name: _____ Phone: _____

Email: _____

DAP Secretariat Use

Date received: _____ Officer Name: _____

Date Registered: _____

MOVED Cr J.A. Dwyer

SECONDED Cr I.R. Tucker

That Council:

1. Advise the Department of Planning that Councillor G.W. Stubbs is no longer a member of the Council.
2. Nominates the following Councillor to fill the following positions on the Development Assessment Panel.
Alternate Member : Cr. P.J Twigg
3. Authorise the Acting Chief Executive Officer to complete Development Assessment Panel Nomination Form and email to the Department of Planning prior to 31st October 2011
4. To elevate Cr. J.A. Dwyer to Local Member and substitute Cr. J.A. Dwyer with Cr. P. JTwigg as Alternate Member.

Carried 6/0

MOVED: Cr. J.A. Dwyer

SECONDED: Cr I.R. Tucker

That Council go behind closed doors at 11.44am for Confidential Items.

Carried 6/0

CONFIDENTIAL ITEM

No: 9.7 RATE ARREARS – RON ANDREI

SUBMISSION TO:	Ordinary Meeting of Council 27 th October 2011.
LOCATION:	Shire of Menzies -
APPLICANT:	L.P. Strugnell
FILE REF:	R/2/1
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	21 st October 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:

Mr. R. Andrei
Ms. C. McAllan D.C.E.O

STATUTORY ENVIRONMENT:

Section 6.55 & 6.56 Local Government Act

FINANCIAL IMPLICATIONS:

Lack of Debt Collection means lack of Revenue.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION No: 0066

MOVED Cr I.R. Tucker

SECONDED Cr J.A. Dwyer

That Council advise Mr. Andrei

1. That there is no record of the sum of \$3,300 having ever being paid in any receipt of bank lodgement book.
2. The debt and the interest accrued remain.
3. The offer of \$6,000 to finalize the matter is rejected.
4. Previous commitments to pay the debt have not been honoured.
5. The matter is to be referred to Council's debt collection agency where you can clear the debt or plead a case in court to make a payment plan scheme if the debt is not finalized by the 15th November 2011.

Carried 6/0

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. C. Bennell

That Council come out from behind closed doors at 12.07pm.

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. P.J Twigg

That Council adjourn for lunch at 12.08pm.

MOVED: Cr. I.R. Tucker

SECONDED: Cr. P.J Twigg

That Council resume from lunch at 12.44pm.

MOVED: Cr. I.R. Tucker

SECONDED: Cr. J.A. Dwyer

That Council go behind closed doors at 12.45pm.

CONFIDENTIAL ITEM

No: 9.8 FUNDING ISSUES WITH ROADS TO RECOVERY PROGRAM
--

SUBMISSION TO:	Ordinary Meeting of Council 27 th October 2011.
LOCATION:	Shire of Menzies
APPLICANT:	L.P. Strugnell
FILE REF:	R/5/4
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	26 th October 2011.
AUTHOR:	L.P. Strugnell, CEO
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

BACKGROUND:

COMMENT:

CONSULTATION:

Mr. E.W. Piper. Consultant
Mr. B. Howson Consultant.
Mr. A. Chisholm. Roads To
Recovery.
Councillor G. Dwyer

STATUTORY ENVIRONMENT:

Failure to comply with sections 2.7
and 5.41 of the Local Government
Act 1995

POLICY IMPLICATIONS:

Not Applicable

FINANCIAL IMPLICATIONS:

Loss of Grants. Lack of funds for
road programs.

VOTING REQUIREMENTS:

Simple Majority required

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION NO:	No: 0067
---	-----------------

MOVED Cr P. J Twigg

SECONDED Cr J.A. Dwyer

That Council:

1. Receive the report by Howson Management on the situation regarding the Roads To Recovery grants.
2. Endorse the Chief Executive Officer's actions in engaging the services of consultants to undertake a study into the funding issues.
3. Nominate Leslie Peter Strugnell as the user and access manager for Roads To Recovery under the provisions of Chapter 6 of the APMS Users Manual.

Carried 6/0

The Acting Chief Executive Officer declares an interest in this item and leaves chambers at 1.46pm.

CONFIDENTIAL ITEM

No: 9.9	RECRUITMENT OF CHIEF EXECUTIVE OFFICER
----------------	---

SUBMISSION TO:	Ordinary Meeting of Council 27th October 2011.
LOCATION:	Shire of Menzies – Administration.
APPLICANT:	L.P. Strugnell
FILE REF:	S/4/4
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	27th October 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: Mrs. Lydia Highfield – Workplace Solutions.

STATUTORY ENVIRONMENT: section 5.23(2)(a) of the Local Government Act.
Section 5.36 of the Local Government Act.
Section 5.8,5.9(2)(b) of the Local Government Act.

POLICY IMPLICATIONS: Not Applicable

FINANCIAL IMPLICATIONS: Provision for CEO allowed for in budget.

VOTING REQUIREMENTS: Absolute Majority required

OFFICER RECOMMENDATION – COUNCIL RESOLUTION NO:	No: 0068
--	-----------------

MOVED Cr J.A. Dwyer

SECONDED Cr C. Bennell

That Council:

1. Appoint a committee under the provision of section 5.8& 5.9(2)(b) of the Local Government Act 1995. Of three (3) elected members and the CEO and the President, to work with Workplace Solutions in the recruitment process to appoint a permanent Chief Executive Officer for the Shire of Menzies. The three Elected Members to be Cr. I.R. Tucker, Cr. J.A. Dwyer and Cr. P.J. Twigg.
2. Continue the employment of the current Acting Chief Executive Officer until it is known exactly when the successful candidate could take up duties.

Absolute Majority Required.

Carried 6/0

MOVED: Cr. P. J Twigg

SECONDED: Cr. I.R. Tucker

3. At the above stage re negotiate with the current Acting Chief Executive Officer's terms and conditions. The incumbent could then continue or Council could engage another Acting Chief Executive Officer.

Absolute Majority Required.

Carried 6/0

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. C. Bennell

That Council come out from behind closed doors at 2.10pm.

President G. Dwyer read aloud the resolutions from Agenda Items 9.7, 9.8 & 9.9.

Item 9.1 was deferred to the last item in the meeting.

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. I.R. Tucker

That Council defer the Financial Statements and Reports to 31st July 2011 to the next Ordinary or Special Meeting as they are not available.

The Financial Statements and Reports are to be sent to Councillors as soon as they are available.

Carried 6/0

Item 9.2 was deferred to the last item in the Meeting.

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. I.R. Tucker

That Council defer the Cheques for payment to 31st July 2011 to the next Ordinary or Special Meeting as they are not available.

The cheques for payment are to be sent to Councillors as soon as they are available.

Carried 6/0

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. P. J Twigg

That Council approve the Chief Executive Officer to place the appropriate advertisement in the newspaper for issues pertaining to the Bush Fires Act.

Carried 6/0

10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Not Applicable

10.1 ELECTED MEMBERS MOTIONS WITH PREVIOUS NOTICE
--

10.2 CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS
--

10.3 REPORTS OF COUNCILLORS AND STAFF
--

Cr. C. Bennell
Nil

Cr. G. Dwyer
Nil

Cr. J.A. Dwyer
Nil

Cr. D. G Hansen
Nil

Cr. I.R. Tucker
Nil

Cr. P.J Twigg
Nil

11. NEXT MEETING / MEETING CLOSURE

There being no further business to discuss, the President declared the meeting closed at: 3.03 pm

The next meeting will be the Ordinary Meeting of Council on Thursday November 24th 2011 in Council Chambers at 10am.